



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 23, 2013

Mr. Ernest Kaufmann
President and Manager
130 Environmental Park, LLC
130 Riverstone Terrace Suite 103
Canton, GA 30114

Re: 130 Environmental Park Transfer Station – Caldwell County
Municipal Solid Waste (MSW) - Registration No. 40269
Registration Application - First Technical Notice of Deficiency (NOD)
Tracking No. 17451152; RN106897036/CN604375972

Dear Mr. Kaufmann:

The MSW Permits Section has completed the review of the registration application dated September 4, 2013. The application was prepared by Biggs & Mathews Environmental and submitted on behalf of 130 Environmental Park, LLC. Additional information must be presented to demonstrate compliance with Title 30 Texas Administrative Code (30 TAC) Chapter 305 and Chapter 330. The information requested below is necessary for a complete registration application and must be addressed prior to further technical review. When making revisions to maps, drawings, and figures which are replicated throughout the application, each map, drawing, and figure needs to be revised throughout the application.

General

1. The number assigned to this registration application is 40269. Please provide this number on all cover pages, figures, and elsewhere as appropriate.

Part I/II

2. A land ownership map is provided as page IB-2 in Appendix IB. Please provide on this figure the appropriate features required by 30 TAC §330.57(h)(4) and (5), including but not limited to a scale, north arrow, source map, and legend. A legend is not needed if a label is added for the blue line, similar to those for the green and red lines.
3. In accordance with 30 TAC §330.59(e), provide a list of persons with more than 20% ownership in the facility. If, as indicated by the Part I form, the sole owner and operator of the proposed facility is 130 Environmental Park, LLC, provide a list of all individuals that own more than 20% of the corporation.
4. In accordance with 30 TAC §305.45(a)(7)(K), for information reflecting other environmental permits, please include the landfill permit being sought under permit application number 2383.
5. Section 2.1, Properties and Characteristics of Waste: It is stated, "The transfer station will not accept municipal solid waste, special wastes, or industrial wastes as defined in §330.3." Please revise this statement to further indicate that facility will not accept municipal solid waste, special wastes, or industrial wastes that is not construction and demolition waste as defined in §330.3.

6. Section 2.1, Properties and Characteristics of Waste: It is stated, "the facility will not accept for disposal lead acid storage batteries...." Please revise this statement to indicate that the facility will not accept lead acid storage batteries for storage and/or processing.
7. Section 2.3, Waste Storage and Disposal: This section indicates that a maximum of 100 tons of waste and recyclables may be onsite at any given time. Please note that transfer stations authorized under 30 TAC §330.9(b)(3) may choose to accept up to 125 tons per day of waste. In addition, Section 2.3 indicates that wastes may be stored on-site for a maximum of 72 hours. Please consider revising this section to adjust the maximum waste volume to account for the maximum allowed tons per day and the maximum waste storage times.
8. In accordance with 30 TAC §330.61(c)(3), the application must include a figure illustrating all *structures* and inhabitable buildings within 500 feet of the proposed facility. Figure IIA.6 is provided to address this rule, but according to the legend it illustrates "habitable structures." Please explain how all structures within 500 feet are identified in the application that meets the rule requirement.
9. While the Land Use Analysis provided in Appendix IIB appears to address most of the requirements of 30 TAC §330.61(c)(4) and 30 TAC §330.61(g), the analysis does not appear to include hospitals and *all* recreational areas within one mile of the facility. Please address these requirements in Appendix IIB or provide another map that meets the rule requirement.
10. While the Transportation Study provided in Appendix IIC provides the location of roads within one mile of the facility, it is not clear that the surface type has been provided for all roads used for access as required by 30 TAC §330.61(c)(5). Some confusion may result from the discussion of roads on pages IIC-9 and IIC-10 that may not be used for access. Please clarify this information and provide the surface types for roads within one mile of the facility that will be used for access.
11. To address the requirements of 30 TAC §330.61(d)(4), please include all buildings, roadways and any other appurtenances associated with the landfill being sought under permit application number 2383. Label these features as proposed under a separate permit.
12. Transportation Study – Appendix IIC
 - a. Drawing 1 does not illustrate State Highway 130. Please confirm that the figure was the current map at the time of submittal of the study to the Texas Department of Transportation (TXDOT).
 - b. Please provide an explanation of how traffic counts were calculated for the facility. Table 1 only indicates that these values were provided by 130 Environmental Park, LLC. For traffic counts based on anticipated waste acceptance rates and anticipated fractions of various types of vehicles, please provide an explanation that is sufficient to confirm the traffic values included in the application.
 - c. Please provide an explanation of how the peak hour of facility operation and the percentages of daily site traffic during the analysis hour reported in Table 2 were determined. Table 2 only indicates that these values were provided by 130 Environmental Park, LLC.

- d. Please provide units for vehicle counts throughout the Transportation Study. In most cases units may be determined from associated text, but please ensure that all tables and figures include appropriate units, such as vehicles per hour or vehicles per day.
 - e. Please consider removing discussions of roads on pages IIC-9 and IIC-10 that will not be used to access the facility. Otherwise, please explain the inclusion of these roads. If these roads will be used, provide statistics required under 30 TAC §330.61(i)(1) through (3) for roads other than US Highway 183.
 - f. To document coordination with the TXDOT in accordance with 30 TAC §330.61(i)(4) and to confirm their approval of proposed road improvements, please provide a response letter to your letter dated August 30, 2013 and the Transportation Study.
13. In accordance with 30 TAC §330.61(m)(1), the application must include a statement as to whether the facility is within the 100-year floodplain. The statement provided in Part II, Section 13.1 indicates that the waste disposal units will not be located in the 100-year floodplain, but is based on a map from the Federal Emergency Management Agency (FEMA), provided as Drawing IIA.9. The floodplain in the vicinity of the proposed facility is estimated, as no base elevations have been determined. It appears that floodplain modeling will be required to allow the executive director to verify that the proposed facility location is in compliance with 30 TAC §330.547(c). The details of a floodplain determination should be presented in Part III of the application and adequate data should be provided in Part II to support the floodplain statement. Please address this concern.
14. Once a 100-year floodplain is developed from floodplain modeling, please include the floodplain on Drawing IIA.12 (Facility Site Plan), IIA.13 (Site Layout Plan), or other appropriate figures to illustrate the floodplain relative to all facility appurtenances.
15. Section 5.0, Conclusions: This section does not appear to include language required under 30 TAC §330.61(n)(1) that, "the facility and the operation of the facility shall not result in the destruction or adverse modification of the critical habitat of [State or Federal] endangered or threatened species, or cause or contribute to the taking of any [State or Federal] endangered or threatened species." The statement indicating that "there will be 'no effect' to any federally-listed threatened or endangered species," is not defined in rule. Please remove this statement and include the language required by 30 TAC §330.61(n)(1) in Section 5.0.
16. In accordance with 30 TAC §330.61(o), the application must include a review letter from the Texas Historical Commission (THC) documenting compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code. While a Cultural Resources Survey is provided in Appendix IIF, there is no indication of its being submitted to the THC and no review letter from them. Please explain and provide evidence of coordination in accordance with the cited rule.
17. To document coordination with the Capital Area Council of Governments in accordance with 30 TAC §330.61(p), please provide a response letter to your letter dated August 30, 2013.

18. General Geology and Soils Statement

- a. In Section 10.2, in the description of the Leona Formation, revise the second sentence "An additional discontinuous deposit of the Leona is found at this site.", to clarify that "this site" refers to the proposed landfill site, and not Plum Creek Valley which was the last location referred to before the second sentence. Please also label the Leona deposit at the landfill site on the geologic map in Drawing IIA.9.
 - b. The fourth sentence in the description of the Wilcox Group refers to the *Midway* thickness. It is unclear if this sentence meant to refer to the Wilcox thickness. Please examine and revise accordingly.
 - c. Revise the description of the Navarro Group to clarify that it is the *top* of the Navarro that is approximately 600 feet below the surface at the site. The existing text stating it is 600 feet *deep* may be misunderstood to mean that the Navarro extends from the surface to a depth of 600 feet.
19. Section 12, Abandoned Oil and Water Wells: Please revise Section 12.1 to clarify that you will certify no later than 30 days before construction of the facility that you have capped, plugged, and closed any abandoned water wells that are found.

Part III

20. Section 2.1, Facility Access: It is stated, "Perimeter fencing will consist of either a four-foot barbed wire fence or a six-foot chain link fence or equivalent." However, the site layout plan, Drawing IIIB.2, indicates that an eight-foot chain link fence and gate will surround the transfer station. Please revise this section to provide specifics for site access control features.
21. Section 2.4, Water Pollution Control: In accordance with 30 TAC §330.63(d)(1)(B), please provide details of how run-on/run-off will be controlled at the facility.
22. Drawing IIIB.1, General Site Plan: Please revise the general site plan to include all buildings, roadways and other appurtenances associated with landfill permit application number 2383, in accordance with 30 TAC §330.63(b).
23. Drawing IIIB.2, Site Layout Plan: Please revise the site layout plan to show all vehicle and personnel access points for the transfer station building, in accordance with 30 TAC §330.63(b)(1).
24. Drawing IIIB.3, Waste Movement Flow Chart: The flow chart indicates that waste will be transferred to a Type IV Landfill for disposal. Please revise the flow chart to indicate that wastes will be transferred to an authorized facility for disposal, in accordance with 30 TAC §330.63(b)(2).
25. Drawing IIIB.5, Transfer Station Cross Section: The cross section indicates that the transfer station is 140 feet across (including roof overhang). However, the site layout plans indicate that the transfer station building is 120 feet across (including roof overhang). Please examine and correct this discrepancy.

Part IV

26. Section 2.1, Properties and Characteristics of Waste: It is stated, "The transfer station will not accept household waste, special wastes, or industrial wastes as defined in §330.3." Please revise this statement to indicate that facility will not accept any waste that is not construction and demolition waste as defined in §330.3.
27. Section 2.2, Volume and Rate of Transfer: This section indicates that a maximum of 94 tons of waste will be processed daily. Please note that transfer stations authorized under 30 TAC §330.9(b)(3) may choose to accept up to 125 tons per day of waste.
28. Section 2.2, Volume and Rate of Transfer: This section indicates that the combined total of waste and recyclables may be onsite at any given time will not exceed 100 tons. Please note that transfer stations authorized under 30 TAC §330.9(b)(3) may choose to accept up to 125 tons per day of waste. In addition, this section indicates that wastes may be stored on-site for a maximum of 72 hours.
29. Section 2.2, Volume and Rate of Transfer: It is stated, "130 Environmental Park may be utilized for Type IV disposal." Please revise this statement to indicate that 130 Environmental Park Landfill (MSW 2383) may be used for disposal of waste from the transfer station.
30. Section 3, Contaminated Water Management: It is stated, "The transfer station will not accept municipal solid waste, special wastes, or industrial wastes or liquid wastes." Please revise this statement to further indicate that facility will not accept municipal solid waste, special wastes, industrial wastes or liquid wastes that is not construction and demolition waste as defined in §330.3.
31. Section 3, Contaminated Water Management: It is stated, "All water coming in contact with waste will be treated as wash water." Please revise this statement to indicate that all water that comes into contact with waste will be considered contaminated water.
32. Section 4, Storage Requirements: All solid waste will be stored in a manner to prevent fires, ensure safety, control animals, control vectors, and contained to prevent windblown solid waste and litter." Please provide more details for how waste will be stored.
33. Section 7.1.1, Facility Security: It is stated, "Perimeter fencing will consist of either a four-foot barbed wire fence or a six-foot chain link fence or equivalent. However, the site layout plan in Part III, Drawing IIIB.2, indicates that an eight-foot chain link fence and gate will surround the transfer station. Please revise this section to provide specifics for site access control features.
34. Section 7.4, Operating Hours: 30 TAC §330.229 allows the facility to indicate alternative operating hours of up to five days in a calendar-year period to accommodate special occasions, special purpose events, holidays, or other special occurrences. Please consider designating alternative operating hours of up to five days.
35. Please provide in the site operating plan a discussion of how the design and operation of the facility will address 30 TAC §330.205, Facility Generated Wastes, for all solid and liquid wastes generated by the facility.

Mr. Kaufmann
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Please submit an original and three (3) copies of your application revisions within **54** days of the date of this letter. Your response must be in a form that allows for the replacement of application pages with the revised pages. According to 30 TAC Section 330.57(g)(6), revisions must have a revision date and note that the sheet is revised in the header or footer of each revised sheet or page. The revised text must be marked to highlight the revision. Since your application is under technical review, please use the label, "**Tech-Revision # (date)**" to identify your NOD response. In accordance with 30 TAC §305.44, please include an original certification statement with the revision. Along with the original signature, the certification statement should indicate the name, title, and address of the responsible official. Failure to submit a satisfactory response to each of the noted deficiencies may result in the application being returned due to technical deficiencies.

If you have any questions, please contact me at (512) 239-6234. When addressing written correspondence, please use mail code MC 124.

Sincerely,



Charles Brown, Environmental Permit Specialist
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

cc: Mr. Kerry D. Maroney, P.E., Biggs & Mathews, Inc., Wichita Falls