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Consulting Engineers ♦ Hydrogeologists

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July 11, 2014

Charles Brown, Environmental Permit Specialist
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: 130 Environmental Park Transfer Station – Caldwell County
Municipal Solid Waste (MSW) – Registration Application No. 40269
Second Notice of Deficiency (NOD)
Tracking Nos. 17451152, 17530277 & 17938640; RN106897036/CN604375972

Dear Mr. Brown:

This response to your second notice of deficiency letter addressed to Mr. Ernest Kaufmann, President and Manager of 130 Environmental Park, LLC, dated June 16, 2014, is submitted on behalf of 130 Environmental Park, LLC, for the referenced permit application. Our responses to the Texas Commission on Environmental Quality (TCEQ) comments are presented below in the order listed in your letter.

PARTS I AND II

1. There are several sections of the application where the facility name is noted as 130 Environmental Park. According to the Part I Form, the facility name is 130 Environmental Park Transfer Station. Please revise the following sections to reference 130 Environmental Park Transfer Station.
 - a. Part I, Section 1.1, Site History
 - b. Part I, Section 5, Legal Authority
 - c. Part II, Section 11.3, Surface Water
 - d. Part II, Section 12.1, Water Wells
 - e. Part II, Section 12.2, Oil and Gas Wells
 - f. Part III, Appendix IIIA, Section 3, Facility Surface Water Drainage Report
 - g. Part III, Appendix IIIC, Section 2, Closure Requirements
 - h. Part III, Appendix IIIC, Section 3, Certification of Final Closure
 - i. Part IV, Section 7.4, Operating Hours

RESPONSE: *The facility name has been updated to 130 Environmental Park Transfer Station as requested.*

2. In accordance with 30 TAC §281.5(6), please include addresses for all on-site easement holders on the land owner list in Part I, Appendix IB.

RESPONSE: 30 TAC §281.5(6) requires "a list of adjacent and potentially affected landowners and their addresses along with a map locating the property owned by these persons". 30 TAC §330.59(c)(3)(B) requires a land ownership map with accompanying landowners list. Subsection (B) provides "The [landowners] list shall comply with the requirements of §281.5 of this title, and shall include all property owners within 1/4 mile of the facility, and all mineral interest ownership under the facility. Property and mineral interest owners' names and mailing addresses derived from the real property appraisal records as listed on the date that the application is filed will comply with this paragraph." The Land Owners List on Part I, Appendix IB, page IB-1 satisfies these requirements and was derived from the real property appraisal records of the Caldwell County Appraisal District. Those records do not include information on names or addresses of holders of easements on the site.

3. Comment 12c of the first NOD requested an explanation of how the peak hours of facility operation and the percentages of daily site traffic during the analysis hour reported in Table 2 in Appendix IIC, Transportation Study were determined. Table 2 only indicates that these values were provided by 130 Environmental Park, LLC. The response indicates that detailed data are provided in the Appendix to the Transportation Study, but does not explain the source of the data. Please explain how these data were obtained by 130 Environmental Park, LLC.

RESPONSE: The peak traffic hour for the proposed 130 Environmental Park and the percentages of daily site traffic during that analysis hour in Table 2, Appendix IIC, Traffic Impact Analysis, are based on the site traffic estimates on the first page of the Appendix at the back of the Traffic Impact Analysis. As described in 30 TAC §330.61(i)(3), the site traffic estimates are projections of the volume of traffic expected to be generated by the transfer station and landfill. While various other traffic numbers in the Traffic Impact Analysis (e.g., the volumes shown on Table 4, Table 5, and Figure 7) are based on actual traffic data (reported TxDOT historic traffic counts and automated traffic counts collected specifically for this Traffic Impact Analysis), the 130 Environmental Park related traffic volumes in the Analysis are only estimates of future traffic associated with the proposed transfer station and landfill (that do not currently exist) and do not include any actual traffic data.

4. Comment 17 of the first NOD requested a response letter from the Capital Area Council of Governments (CAPCOG) to document coordination in accordance with 30 TAC §330.61(p). Please provide CAPCOG's response when it is received.

RESPONSE: In a meeting on Thursday, May 22, 2014, following the unanimous recommendation of its Conformance Review Subcommittee that the proposed 130 Environmental Park facility conforms to the Regional Solid Waste Management Plan, the Capital Area Council of Governments (CAPCOG), Solid Waste Advisory Committee (SWAC) voted to recommend the facility to the Executive Committee for final decision at their July or August meeting. A copy of the draft minutes of the SWAC meeting is

provided in Appendix III to document ongoing coordination in accordance with 30 TAC §330.61(p); see Item 9 on page IHH-i-5.

5. Section 1.1 Easements and Buffer Zones: It is stated "No solid waste unloading, storage, disposal, and processing operations will occur within any easement, buffer zone, or right-of-way that crosses the facility." As this is a transfer station and will not be authorized for disposal operations, please remove the word disposal from the section.

RESPONSE: The word "disposal" has been removed from Part II, Section 1.1 – Easements and Buffer Zones as requested.

6. Section 1.1 Easements and Buffer Zones: It is indicated that the distance between the facility boundary and the transfer station exceeds the minimum distance of 125 feet. In accordance with 30 TAC §330.543(b)(1), the minimum buffer zone for processing facilities is 50 feet. Please revise this section to reflect the 50 foot buffer zone requirement.

RESPONSE: Section 1.1 – Easements and Buffer Zones has been revised to indicate that the minimum buffer zone for processing facilities is 50 feet.

7. Section 2.1 Properties and Characteristics of Waste: Please revise this section to indicate that, in accordance with 30 TAC §330.15(e)(6)(B), the facility will not accept containers holding liquid waste.

RESPONSE: Section 2.1 – Properties and Characteristics of Waste has been revised to include "containers holding liquid waste" in the list of prohibited wastes.

8. Section 2.2, Volume and Rate of Disposal: It is stated "The transfer station will not transfer more than 125 tons per day". However, it is indicated in Section 2.2 of Part IV of the application that the maximum amount of waste to be transferred is 94 tons per day. Please revise the application to consistently state the maximum daily waste acceptance rate.

RESPONSE: Section 2.2 – Volume and Rate of Disposal has been revised to state that the maximum amount of waste to be transferred is 94 tons per day.

9. Section 12.2, Oil and Gas Wells: It is indicated that there is one plugged and dry hole within the facility boundary. In accordance with 30 TAC §330.61(l)(2), please provide written certification and supporting documentation that this well has been properly capped, plugged, and closed in accordance with all applicable rules and regulations of the Railroad Commission of Texas.

RESPONSE: Records for this plugged dry hole are included in new Appendix IIK – Railroad Commission Records.

10. Section 13.1, Floodplains: It is indicated that floodplain modeling for the site is included in the application for the 130 Environmental Park landfill (MSW #2383).

Please provide the floodplain modeling in the application for the 130 Environmental Park Transfer Station (MSW #40269).

RESPONSE: A copy of Attachment C2 – Flood Control Analysis from the Type I permit application (MSW No. 2383) is included in this submittal as Part III, Appendix IIIE.

11. Section 13.1, Floodplains: It is stated "The proposed transfer station will not be located within the limits of the 100-year floodplain. However, Drawing IIA.12 indicates that 100-year floodplain extends into the facility boundary, but does not appear to extend to the transfer station building. Please revise this section to clarify that the transfer station building and all operations will not be located within the 100-year floodplain.

RESPONSE: Section 13.1 has been revised as requested to state that the transfer station building and all operations will not be located within the 100-year floodplain.

12. Appendix IIA, Maps and Drawings: In accordance with 30 TAC §330.63(c)(2)(C) and 301.33(a)(2), please include the name and course of the watercourses that are associated with the proposed project.

RESPONSE: Labels for Dry Creek and the Unnamed Tributary have been added to Appendix IIA, Drawings IIA.7, IIA.12, and IIA.13 as well as Appendix II I, Drawing II I.2.

13. Appendix IIC, Transportation Study: This section provides data on volume of traffic expected to be generated by 130 Environmental Park, which includes both the proposed landfill and transfer station facilities. It is required by 30 TAC §330.61(i)(3) that the application include an estimate of the volume of traffic expected to be generated by the facility. For this registration, the facility is the 130 Environmental Park Transfer Station. Please provide an estimate of the volume of traffic expected to be generated by the transfer station.

RESPONSE: Projections of the volume of traffic expected to be generated by the 130 Environmental Park Transfer Station facility are included in Section 9.2, which has been added to Part II.

14. Part II of the application includes certification statements for location restrictions. However it appears that in your response to the December 23, 2013 NOD letter only redline/strikeout versions of several certifications were included. Please provide "clean" copies of the following certification statements in Part II of the application.

- a. Appendix IIG, TPDES Permit.
- b. Appendix IIJ, Easements and Buffer Zones
- c. Appendix IIJ, Floodplains
- d. Appendix IIJ, Groundwater

RESPONSE: Clean copy location restrictions are included in this submittal in Part II, Appendix IIJ.

PART III

15. Section 2.4, Water Pollution Control: It is indicated that soil will be built up on the north side of the facility to divert surface water drainage around the facility. Please provide designs for these improvements that demonstrate compliance with 30 TAC §330.303.

RESPONSE: Sections 2.4 and 3 have been updated and Appendix IIIA2 added to provide design information for the swale that will convey surface water around the transfer station building and adjacent paved area.

PART IV

16. Section 4.1, Solid Waste Storage: It is stated "The transfer station will only accept construction or demolition waste and other inert material." Please provide a description of other inert material. This description should be consistent with limitations of the waste acceptance plan in Part II of the application.

RESPONSE: Section 4.1 has been updated to clarify that only waste meeting the definition of construction or demolition waste in 30 TAC §330.3 will be accepted.

17. Section 7.2, Unloading of Waste: Please provide provisions for remediation of any incident involving the unloading of hazardous waste or polychlorinated biphenyls waste at the facility.

RESPONSE: Section 7.2 has been revised to include the requested provisions.

18. Section 7.2, Unloading of Waste: Please provide provisions for the receipt of regulated asbestos-containing material (RACM) and nonregulated asbestos-containing materials (non-RACM) at the transfer station.

RESPONSE: Section 7.2 has been revised to include the requested provisions.

19. Section 7.2, Unloading of Waste: Please provide provisions for the handling of any amount of incidental municipal solid wastes unloaded at the facility.

RESPONSE: Provisions have been added to Section 7.2 as requested.

20. Section 7.3: Spill Prevention and Control: It is indicated that spill control and clean-up materials and equipment will be maintained at the transfer station building or other suitable location. The term other suitable locations is not defined in the application. Please provide the location(s) where spill control and clean-up materials and equipment will be maintained.

RESPONSE: Section 7.3 has been updated to remove "or other suitable location".

21. Section 7.4, Operating Hours: To address the requirements of 30 TAC §330.229(b), it is recommended that the SOP include five designated days to avoid the need to

contact regional staff for special occasions, special purpose events, holidays, or other special occurrences that will occur each year. The SOP should avoid specific dates, but rather refer to the event or occasion, such as "the Sunday after Thanksgiving" or "the Sunday after Christmas." If days are designated for alternative hours, the hours should be specified in the SOP and subsequently noted in the site operating record.

RESPONSE: *The facility does not wish to designate specific days at this time, but may choose to do so in the future. The facility will contact regional staff for alternative hours and document in the site operating record.*

22. Section 7.6, Control of Windblown Material and Litter: It is indicated that windblown material and litter collected at the site will be returned to the transfer station tipping floor. Some material collected may not meet the requirements of the facility's waste acceptance plan. Please indicate that any material and litter collected will be taken to a facility authorized to manage the waste.

RESPONSE: *Section 7.6 has been revised to include the requested language.*

23. Section 7.5, Facility Sign: It is indicated that the hours and days of operation will be posted on the site sign. It is not clear if both the site operating hours and waste acceptance hours will be posted on the site sign. Please revise this section to indicate that both operating hours and waste acceptance hours on the site sign as required by 30 TAC §330.231.

RESPONSE: *Section 7.5 has been revised to indicate that both operating hours and waste acceptance hours will be posted on the site sign.*

24. Section 7.12, Ventilation and Air Pollution Control: In accordance with 30 TAC §330.245(d), please revise this section to indicate that if nuisance odors are found to be passing the facility boundary, the facility owner or operator may be required to suspend operations until the nuisance is abated.

RESPONSE: *The requested language has been added to Section 7.12.1.*

25. Section 7.14, Employee Sanitation Facilities: It is indicated that portable sanitary facilities will be provided for employees and visitors. It is unclear from this description if these facilities will be sufficient for employee and visitor sanitation. Please provide a description of the sanitary facilities that will be provided.

RESPONSE: *Section 7.14 has been updated to specify that a minimum of two portable toilet facilities or constructed restrooms will be provided, which should be adequate based on the number of employees and visitors expected at the facility.*

26. Section 7.15, Facility Generated Wastes: Please revise this section to account for the proper management of waste collected from the facility grit traps.

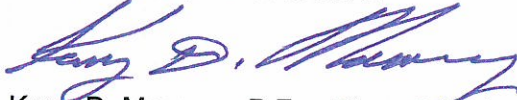
RESPONSE: *Language has been added to Section 7.15 to discuss the disposal of grit trap waste.*

Mr. Charles Brown
July 11, 2014
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We trust these responses are satisfactory to you and meet the rules and regulations of the TCEQ. If you need additional information, please let us know.

Sincerely,

BIGGS & MATHEWS ENVIRONMENTAL
TBPE No. F-256 ♦ TBPG No. 50222



Kerry D. Maroney, P.E. – Biggs & Mathews, Inc. (F-834)
Principal Engineer

Attachments: Response to Second Notice of Deficiency

cc: Mr. Ernest Kaufmann, President and Manager of 130 Environmental Park, LLC

Mr. Gene Muller, TCEQ, Waste Section Manager, Austin Regional Office,
MC R-11, PUBCOMMENT-R11AUS

