

January 19, 2005

Mr. Barry Kalda  
Waste Program Manager- Region 11  
Texas Commission on Environmental Quality  
1921 Cedar Bend Drive  
Suite 150  
Austin, Texas 78758

Dear TCEQ:

We are filing a Complaint with Information or Evidence against IESI TX Landfill L.P. 6125 Airport Freeway, Suite 202, Haltom City Texas 76117, the permit holder and Site Owner of Permit No. MSW 1841. Enclosed is pictorial documentation of IESI's violation of its operating permit located southeast of Austin, south of Austin Bergstrom International Airport, 0.7 miles east of U.S. Highway 183 on F.M. 812, adjacent to and on the west side of the City of Austin landfill, 1,200 feet north of FM Road 812, in Travis County. This landfill is permitted as a Type IV (Brush, construction/demolition waste and rubbish only.)

It appears to us that this site is non-compliant with TCEQ's solid waste regulations and has violated the provisions of the Federal Aviation Administration Waiver allowing such a site to operate within five miles of an airport.

- 1) The site appears to be operating in violation of the cover provisions of its permit.
- 2) The site appears to be operating in violation of control of special waste and has allowed Putrescible waste (garbage) to create a vector problem affecting the safety of air travel into and out of Austin Bergstrom International Airport.
- 3) The site appears to be in violation of its fire prevention and control provisions of its permit. Should such waste ignite, it will affect the safety of air travel into and out of Austin Bergstrom International Airport.
- 4) The landfill appears to be in violation of its Vector Control operating plan.

The problem is specifically documented from August 22, 2004 through October 28, 2004.

Our research from public records is noted.

Title 30 Part 1 Chapter 330 Subchapter F Rule 330.133 Landfill Cover (a) states that "All Type IV facilities shall follow the requirements of this subsection except the rate of cover shall be no less than weekly, unless the commission approves another schedule". (See Exhibit).

A modification to MSW Permit No. MSW-1841 filed August 28, 2000 changes the currently permitted hours of operation from 6:00 AM to 7:00 PM, Monday through Saturday. It states "the gate will normally be closed to the public at 6:00 p.m. in order that landfill personnel may apply cover material". (See Exhibit).

The Site Operating Plan for the Travis County Landfill MSW Permit No. 1841 states:

Page 3 The gate will normally be closed to the public at 6:00 pm in order that landfill personnel may apply cover material.

Page 4 Fire Prevention and Control- Soil will be used to smother fires when possible. An earthen stockpile will be maintained within 2,500 feet of the working face for fire fighting. The earthen stockpile will be sized to cover the entire working face or active disposal area. In addition, a water truck is available for fire fighting purposes.

Page 4 The following items will not be accepted at the site: Putrescible waste (garbage)

Page 5 Vector Control- Conditions favorable to the production of vectors will be minimized through compaction and covering procedures.

Page 6 Placing and Compaction of Refuse- The size of the open working face will be limited to the width required to accommodate one day's waste generation. In order to meet this criteria and also accommodate the anticipated vehicular traffic generation, the daily working face is anticipated to be approximately eighty feet wide.

Page 6 Cover Application Log- A log will be maintained at the site showing dates and volumes for excavation including source area, dates and volumes of cover including a description of the type of cover and designating the area covered.

Page 6 Landfill Cover- A compacted cover of six inches thick will be applied over waste not less than weekly.

Page 6 Cover will be provided on the working face as necessary to control windblown material and at least weekly prior to closing on the weekend. During rainy periods the working face will be covered daily to minimize infiltration of rainfall into waste.

Page A-1 Unacceptable waste include the following: Putrescible waste (garbage)

Members of the Texas Aviation Association, the Bergstrom Pilots Association and Cherokee Flyers, LLC have photographed and video taped this landfill site on each Sunday from August 22, 2004 to October 28, 2004 with the exception of September 17, 2004 because of aircraft mechanical difficulties. Each of these Sunday's documentation showed clearly that the landfill operator did not cover on those weekends, that the working face size was excessive and greater than 80 feet, that fire prevention measures and equipment were not available for the size of working face, that vectors are eating something more than brush and construction materials, and that vector problems have occurred as a result of these violations. Attached are those photos and a DVD of the videotape

This situation is now public record having been taped at the Austin City Council meetings. This matter was brought to the attention of the Austin City Council on October

28, 2004. At that time IESI Vice President, Jeff Peckham, responded stating, "IESI has never received a Notice of Violation or any enforcement action with the Travis County Landfill". Members of the Texas Aviation Association appeared before the Austin City Council on November 18, 2004 and presented these facts. IESI Vice President, Jeff Peckham, stated in the November 18, 2004 session, "IESI has never been notified by the FAA or Austin-Bergstrom International Airport of any problem whatsoever concerning birds, potentially affecting the aircraft flight patterns." However, later in that same meeting airport personnel reported that there had been 178 bird strikes since the opening of the airport. The FAA records show at least two bird strikes have resulted in precautionary landings of commercial Boeing 737 sized aircraft.

In that same November 18, 2004 meeting, Mr. Peckham responded to a question by Council Member Goodman who asked, "So what days would it [the landfill] be fully covered?" by stating, "It could differ. Some Saturdays it is fully covered. But it could differ".

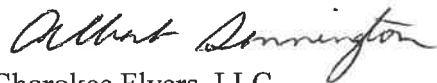
A Letter of Notice and Information was also delivered to Mr. Mike Nicely, Airport Development Manager for Texas, Federal Aviation Administration SW Region in Fort Worth, Texas, asking that the Federal Aviation Administration withdraw its previously granted waiver of any landfill operation of any class in close proximity to the Austin Bergstrom International Airport.

We respectfully request that you bring an investigation against the non-compliant operations to protect the public health and safety and assess the appropriate financial/and or criminal penalties and move to cause any such non-compliant and illegal operations and practices to cease. If you should need additional information, please feel free to contact Albert Dennington with the Cherokee Flyers.

Yours truly,

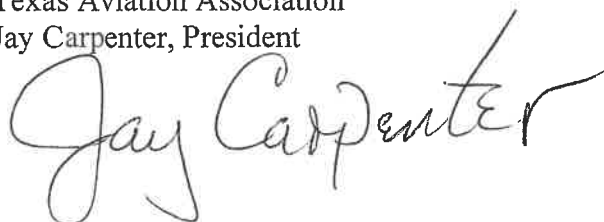


Bergstrom Pilots Association  
Bill Gaston, President



Cherokee Flyers, LLC  
Albert Dennington, Member

Texas Aviation Association  
Jay Carpenter, President



**Addison, TX 2003  
Bird Strike Result  
General Aviation**

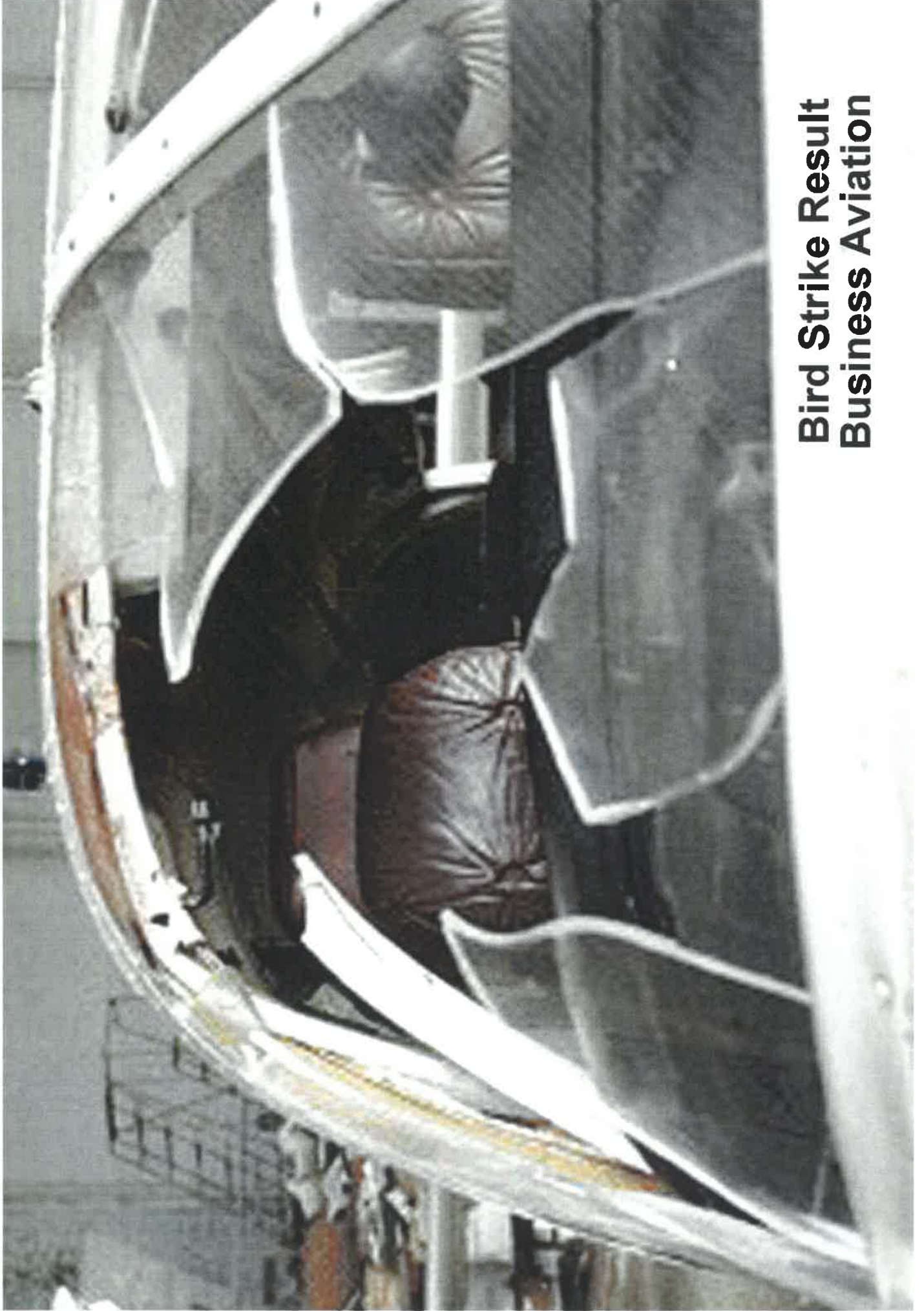


**Bird Strike Result- Airline**



**Bird Strike Result**





**Bird Strike Result  
Business Aviation**

# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



Permit No. MSW- 1841 (Transferred)

Coordinates: N 30° 10.00' W 97° 40.65'

PERMIT FOR A MUNICIPAL SOLID WASTE FACILITY  
issued under provisions of the Texas Solid Waste Disposal Act, Chapter  
361, Health and Safety Code and 30 Texas Administrative Code (TAC) Chapter  
330

Permittee

IESI TX Landfill L.P.  
6125 Airport Freeway, Suite 202  
Haltom City, Texas 76117

Site Owner

(Same as Permittee)

Legal Description of Site: The legal description, attached hereto, is hereby made a part of this permit.

Size and Location of Site: This site consists of 112.93 acres of land and is located southeast of Austin, south of Austin Bergstrom International Airport, 0.7 mile east of U.S. Highway 183 on F.M. 812, adjacent to and on the west side of the City of Austin landfill, 1200 feet north of FM Road 812, in Travis County.

Operational Classification of Site: Type IV (Brush, construction/demolition waste and rubbish only.)

Waste Disposal Methods Used at Site: Area method of disposal with compaction of solid waste and cover with a minimum of six (6) inches of compacted earth not less often than once each week.

Description of Waste Materials Processed at Site: Solid waste under the regulatory jurisdiction of the Texas Natural Resource Conservation Commission, when disposed of or processed in accordance with 30 TAC Chapter 330.

Findings of Fact and Conclusions of Law: Attached hereto for reference.

Standard Protection: Acceptance of this permit constitutes an acknowledgment that the permittee will comply with all of the terms, provisions, conditions, limitations and other restrictions embodied in this permit; with 30 TAC Chapter 330; and with the pertinent laws of the State of Texas.

Special Provisions: See Attachment - "Special Provisions for Municipal Solid Waste Permit No. MSW-1841"

This permit will be valid until canceled or revoked by the Texas Natural Resource Conservation Commission or until the site is completely filled and rendered unusable, whichever occurs first.

APPROVED, ISSUED, AND EFFECTIVE in accordance with 30 Texas Administrative Code Chapter 330.

ISSUED DATE:

DEC 18 2000

A handwritten signature in black ink, appearing to read "Jeffrey A. Davis".

\_\_\_\_\_  
For the Commission



MODIFICATION TO  
MUNICIPAL SOLID WASTE PERMIT N<sup>o</sup> MSW-1841

Travis County Landfill, Travis County

Municipal Solid Waste Permit No. MSW-1841 is hereby modified as follows:

Description of Change:

Change the currently permitted hours of operation from 7:00 a.m. to 7:00 p.m., Monday through Saturday, at the above referenced facility to 6:00 a.m. to 7:00 p.m., Monday through Saturday. Along with this, per the permitted Site Operating Plan, the gate will normally be closed to the public at 6:00 p.m., in order that landfill personnel may apply cover material, clean up after the day's activities, repair roads, etc.

Permit Sections Revised:  
Site Operating Plan

This modification is a part of Permit No. MSW-1841 and should be attached thereto.

APPROVED, ISSUED, AND EFFECTIVE in accordance with 30 Texas Administrative Code Section 305.70(i).

ISSUED DATE:

AUG 28 2000



For the Commission

PART IV  
SITE OPERATING PLAN  
§330.57 AND §330.114

TRAVIS COUNTY LANDFILL  
TNRCC PERMIT NO. MSW-1841

*operated by:*

IESI TX Corporation



*prepared by:*

**JFK GROUP, INC.**

JUNE 14, 2000

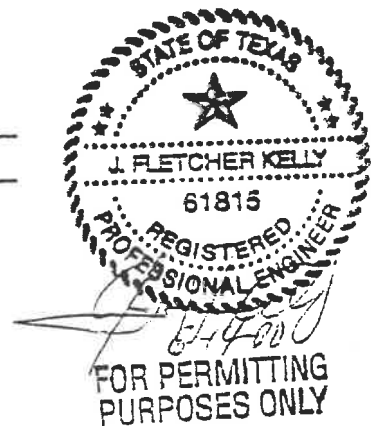


TABLE OF CONTENTS

Introduction ..... 1

Personnel ..... 1

Equipment ..... 1

Record Keeping ..... 2

Security, Screening and Safety ..... 2

Hours of Operation ..... 3

Sequence of Site Development ..... 3

Fill Operations ..... 4

Fire Prevention and Control ..... 4

Control of Special Wastes ..... 4

Control of Windblown Material ..... 5

Vector Control ..... 5

Dewatering of Excavations ..... 5

Dust and Mud Control ..... 5

Odor Control ..... 6

Placing and Compact Refuse ..... 6

Landfill Cover ..... 6

Cover Application Log ..... 6

Ponded Water ..... 6

Soil and Liner Quality Control Plan ..... 7

Groundwater Monitoring ..... 7

Salvaging and Scavenging ..... 7

Methane Monitoring ..... 7

Posting of Site Rules ..... 8

Materials Along the Route to the Site ..... 8

Protection of On-Site Utilities and Easements ..... 8

Wet Weather Operations ..... 8

Closure of Site ..... 8

Inspections ..... 9

Compliance with Operations Standards for the Site ..... 9

Landfill Markers and Benchmark ..... 9

Site Grid Marker System ..... 10

Waste Stream Quality Control Plan

Introduction ..... A-1

Acceptance of Enclosed Container/Vehicles ..... A-1

Responsibilities of Gate Attendant ..... A-2

Responsibilities of Equipment Operator ..... A-2

Disposal of Unacceptable Materials ..... A-2

Entrance Signs ..... A-3



FOR PERMITTING PURPOSES ONLY

## SITE OPERATING PLAN TRAVIS COUNTY LANDFILL

### Introduction

This Site Operating Plan (Plan) has been prepared to fulfill the requirements of 30 TAC §330.57 and §330.114, and to provide guidance for the Travis County Landfill management and operating personnel in day-to-day operations of the site. This Plan is consistent with the engineer's design for this site. The site is designed as a Type IV Municipal Solid Waste Landfill.

### Personnel

The staff recommended initially for this landfill consists of four (4) full-time employees:

- 1 - Site Supervisor
- 1 - Equipment Operator
- 1 - Gate Attendant
- 1 - Laborer

The site supervisor will have experience both in landfill operations and operation/maintenance of heavy equipment. The site supervisor will hold a Class A Letter of Competency or a Provisional Class A Letter of Competency or will be required to demonstrate that he/she has had substantial employment and educational training emphasizing landfill management and operations.

The equipment operator will be an experienced heavy equipment operator knowledgeable in landfill operations. Duties will include working face monitor, compacting waste, applying cover as needed, maintaining site roads, grade control, equipment operation, equipment maintenance and trench excavation. Trench excavation may also be contracted to an outside contractor.

The gate attendant's duties include general traffic direction, control of unauthorized vehicles entering the landfill, levying of charges or tickets to all vehicles, inspection of loads for unauthorized materials and collection of transporter trip tickets, as required.

The laborer will work under the direct supervision of the equipment operator and/or the site supervisor. Duties will be assigned as required to maintain the site's compliance with TNRCC regulations and permit conditions.

A foreman will be appointed to oversee operations in the landfill and act as assistant supervisor in the supervisor's absence. Either the site supervisor or the foreman will be on-site at least 75% of the time.

### Equipment

Initial on-site equipment will consist of the following:

- |   |   |
|---|---|
| 1 - Track-type Dozer or equivalent      | 1 - Water Truck                                 |
| 1 - Solid Waste Compactor or equivalent | 1 - Motorized Pan Soil Scraper<br>or equivalent |
| 1 - Motor-grader or equivalent          |   |

The following safety rules are recommended:

All landfill personnel will wear safety shoes and leather gloves.

All landfill personnel will be furnished with hard hats, dust protectors, hearing protectors, and safety glasses if they wish to wear them.

In the interest of safety, children under the age of twelve (12) must remain in a vehicle while it is being unloaded.

Maintain at least six feet between unloading vehicles at the working face.

#### Hours of Operation

The hours of operation for this landfill will be from 7:00 a.m. to 7:00 p.m. Monday thru Saturday. The gate will normally be closed to the public at 6:00 p.m., in order that landfill personnel may apply cover material, clean up after the day's activities, repair roads, etc.

#### Sequence of Site Development

Prior to opening of the site for the deposition of solid waste the following construction will occur:

- (1) Construct paved site entrance road;
- (2) Construct ticket station;
- (3) Construct all-weather road to Trench 1;
- (4) Excavate a portion of Trench 1 (Trench 1A) and provide sidewall liners along the south and west walls to comply with SLQCP requirements;
- (5) Install site signs;
- (6) Construct site fencing as needed;
- (7) Install site grid markers in vicinity of disposal areas; and
- (8) Install monitor wells and obtain background samples.

After the site construction is sufficiently complete to allow disposal operations to proceed, the site personnel will be given pre-opening training as needed and a pre-opening inspection by the TNRCC will be requested.

After the site opens, trenches will be excavated in numerical order. Prior to excavation of Trench 7, the Bergstrom access road and the Capitol Company water line will be relocated. Prior to beginning fill operations in the eastern portion of Trench 8, the Channel B stormwater diversion will be installed. Special effort will be taken to minimize ponding of water in Trench 8 and later in Trench 9 by maximizing use of uphill diversions during the filling operation. After Trench 9 is filled, revegetation and drainage facilities should be completed in that portion of the landfill.

Prior to excavation of Trench 17, the Channel A stormwater diversion will be installed. In the central and south portion of the landfill, it will be necessary to relocate all-weather haul roads as fill progresses.

Interior sidewall liners will be installed along the south and west walls for Trench 1. All or portions of the interior sidewall liners in Trench 1 may be removed during the excavation of Trench 21. The operator should exercised care not to disturb the certified insitu and/or recompacted clay bottom liner in Trench 1 when removing the sidewall liner.

### Fill Operations

The site will be operated using the area fill method with excavation proceeding ahead of the fill in a continuous trench fashion. Trenches will be filled in numerical order.

Below ground filling will be accomplished in one lift (twenty foot maximum height) wherever possible. Successive trench heights should have a lift height of 5 to 10 feet with consistent heights being used throughout each portion of the landfill. Intermediate top slopes should have approximately 4% slope to minimize infiltration of rainfall into the waste trenches.

Trucks will generally drive over the previously filled trench and discharge their loads at the top of the working face. The compactor will then push the waste down the working face, compacting previously placed waste as it goes. This will result in the maximum compaction possible and will allow further compaction by the trucks as initial settlement occurs. The working face will be maintained at approximately a 4:1 slope. The site operator will periodically verify that adequate passes are being made over the waste to obtain maximum compaction of the waste.

The unloading pad will be delineated to produce the smallest practical working face. Safety will be an important consideration in the amount of area allocated for unloading. A minimum spacing of 14 feet per truck should be used in the unloading area. Adequate maneuvering room (approximately 100 feet) will be provided in the unloading area.

### Fire Prevention and Control

Soil will be used to smother fires when possible. An earthen stockpile will be maintained within 2,500 feet of the working face for fire fighting. The earthen stockpile will be sized to cover the entire working face or active disposal area. In addition, a water truck is available for fire fighting purposes. All landfill equipment will be equipped with fire extinguishers in the cab.

The site will be served by the Pilot Knob Volunteer Fire Department. The City of Austin Fire Department and other local county fire departments are available, should assistance be required in fighting fires on the site. Should a fire occur, contact the fire department and then attempt to control or extinguish the fire. All fires should be reported to the site supervisor or foreman.

### Control of Special Wastes

All vehicles entering the site will be inspected to insure that no special waste or prohibited items are unloaded at this facility. The landfill will accept only Type IV waste, consisting of construction waste, demolition debris, brush, and rubbish that are free from unauthorized waste.

The following waste will not be accepted at the site:

- Putrescible waste (garbage)
- Radioactive waste
- Class I Industrial nonhazardous waste
- Class II Industrial nonhazardous waste
- Regulated hazardous waste
- PCB waste
- Vacuum truck waste

Infectious or pathological wastes,  
Septic tank waste  
Friable asbestos  
Dead animals or slaughterhouse waste

The gate attendant, equipment operator and laborer will be familiar with the "Waste Stream Quality Control Plan" and the TNRCC regulations regarding unauthorized wastes. The equipment operator and/or laborer will be on duty at all times when waste is unloaded to see that no unacceptable material is incorporated into the working face.

#### Control of Windblown Material

Temporary portable fences may be erected around active fill areas as needed to control windblown material. These fences will be cleaned at least weekly or as needed to prevent the escape of windblown material.

Immediate placement and compaction of waste after it is unloaded will help to minimize the volume of windblown material. During windy periods, the site supervisor and operators will make every effort to choose unloading areas which are less susceptible to wind effects.

#### Vector Control

Conditions favorable to the production of vectors will be minimized through compaction and covering procedures. The lack of putrescible wastes at this site should also minimize the attraction of vectors. Approved pesticides will be employed for vector control, when necessary.

#### Dewatering of Excavations

The subsurface soils investigation conducted at the site indicates that the quantity of groundwater at the site is limited and occurs in isolated pockets in joint planes and drying cracks in the clays and shales in the southern part of the site and in pockets of sand and gravel layers overlying the clays in the northern portion of the site. The base grading plan is laid out to allow any water which is intercepted to be drained out without adversely affecting excavation or sidewall liner construction, where required. The site has applied for a National Pollution Discharge Elimination System (NPDES) Multi Sector Stormwater Permit. Uncontaminated water can be drained or pumped from the excavation and discharged off-site. Contaminated water will not be discharged from the site without specific written authorization.

#### Dust and Mud Control

During periods of dry weather, the non-paved site roadways will require intermittent blading and watering to maintain trafficability and provide dust control.

During wet weather, all-weather unloading pads will be used to minimize the amount of mud the trucks are in contact with. After leaving the unloading area, the trucks will travel over an all-weather road to the ticket station and the paved site access road to F.M. 812. This length and type of roadway should minimize the amount of mud tracked onto F.M. 812.

### Odor Control

Cover provided as a part of the ongoing fill operations should be adequate to control odors at the site. The lack of putrescible waste in the site will minimize odor production potential. Any ponded water at the site will be controlled to avoid its becoming an odor nuisance.

### Placing and Compacting Refuse

The size of the open working face will be limited to the width required to accommodate one day's waste generation. In order to meet this criteria and also accommodate the anticipated vehicular traffic generation, the daily working face is anticipated to be approximately eighty feet wide. The waste will be evenly placed, spread, and then compacted (using the landfill compactor) in layers not to exceed approximately two feet in depth. Approximately two of these layers will be required each day. A 4:1 (horizontal to vertical) slope will be maintained on the working face.

### Landfill Cover

A compacted cover layer six inches thick will be applied over waste fill not less than weekly. Cover applied at the top surface and interim aerial lifts may exceed the standard six inch thickness to promote trafficability. Areas of fill which have not reached completion grade and are not expected to receive additional waste for a period of 180 days or more will be covered with an additional six inches of soil to form an intermediate cover. Weekly and intermediate cover will consist of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste.

Cover will be provided on the working face as necessary to control windblown material and at least weekly prior to closing on the weekend. During rainy periods the working face will be covered daily to minimize the infiltration of rainfall into the waste. Cover operations will be conducted during operating hours as space is available for placing the cover material without conflicting with vehicle unloading, solid waste placement and compaction.

As the proposed waste elevation in each area of the fill is reached, a minimum of two (2) feet of well-compacted clay (SC or CL) material will be placed over the compacted area. At least six inches of final cover material composed of topsoil capable of maintaining grass will be placed over the compacted clay cover. If CH clay material is used for final cover, 12 inches of topsoil must be provided (over a minimum of 18 inches of CH material) to insure vegetative establishment. After these areas are filled, they should be prepared for seeding or sprigging with appropriate grasses. Final cover on side slopes will vary from 6 feet thick at the toe to 2.5 feet thick at the top as depicted on sheet 4 of Attachment 8. The side slope final cover will be constructed as berms as fill progresses to visually screen the disposal area.

### Cover Application Log

A log will be maintained at the site showing dates and volumes for excavation including source area, dates and volumes of cover including a description of the type cover and designating the area covered.

### Ponded Water

The ponding of water over waste on the municipal solid waste landfill (MSWLF) unit, regardless of its origin, will be prevented. Ponded water that occurs in the active portion of a MSWLF unit



## WASTE STREAM QUALITY CONTROL PLAN TRAVIS COUNTY LANDFILL

### Introduction

#### The landfill will accept only Type IV waste including:

- Construction waste
- Demolition debris
- Brush and landscape waste
- Rubbish that is free from unacceptable waste

#### Unacceptable wastes include the following:

##### Putrescible waste (garbage)

- Radioactive waste
- Class I Industrial nonhazardous waste
- Class II Industrial nonhazardous waste
- Regulated hazardous waste
- PCB waste
- Vacuum truck waste
- Infectious or pathological waste
- Septic tank waste
- Friable asbestos
- Dead animals or slaughterhouse waste

Waste delivered in enclosed vehicles or enclosed containers can only be accepted if all the conditions set forth in the below section entitled "Acceptance of Enclosed Containers/Vehicles" are met. For clarification, loads which are tarped or covered to prevent loss of waste material en route to the landfill will not be considered enclosed if the tarp or cover can be removed for inspection of the load.

### Acceptance of Enclosed Containers/Vehicles

Waste in enclosed containers or enclosed vehicles will not be accepted except as per §330.135. Each enclosed container or enclosed vehicle will have all required approvals and/or permits from the executive director in accordance with §330.32.

Enclosed containers or enclosed vehicles will only be accepted at their designated time and on their specified day. A TNRCC inspector will be on-site and must witness the unloading process to ensure that no putrescible waste or household waste is present. Any waste considered unacceptable by the inspector will be removed from the working face and subsequently from the site.

Each transporter delivering waste in enclosed containers or enclosed vehicles will, prior to discharge, provide the landfill operator with a transporter trip ticket for the route he/she is delivering. Trip tickets will be maintained in the operating record.

If a transporter fails to comply with all required rules and regulations, their authorization may be revoked by the TNRCC and landfill management.

If waste in enclosed vehicles are accepted at the landfill that are not exempted as per the following paragraph, the landfill will participate in the TNRC funding program to monitor these activities. The executive director will determine the approximated annual cost for implementing and maintaining the surveillance and enforcement of all activities associated with the acceptance of enclosed containers or enclosed vehicles at Type IV landfills.

Stationary compactors permitted in accordance with §330.25 and municipal transporter routes permitted in accordance with §330.32 are exempt from the above detailed requirements. However, the landfill operation will obtain a hauler trip ticket from the transporter for the municipal transporter route or stationary compactor, as appropriate, prior to allowing discharge of the waste material. These trip tickets will be maintained in the operating record.

#### Responsibilities of Gate Attendant

The major responsibilities of the gate attendant are to verify that all incoming waste is acceptable for disposal in a Type IV Landfill, obtain necessary documentation regarding the hauler and waste source, advise haulers of site rules, and levy landfill fees and surcharges as appropriate.

The gate attendant will reject all loads containing regulated hazardous wastes, infectious wastes or Class I industrial nonhazardous waste. Other loads may be rejected if it is not practical to selectively remove unacceptable materials.

#### Responsibilities of Equipment Operator

The equipment operator or his designee is one of the landfill's main contacts with the customers. He must inspect each load as it is discharged at or near the working face to verify that unacceptable materials are not contained in the load.

If unacceptable materials are discovered the equipment operator will take the following steps:

- (1) Isolate the waste.
- (2) Discuss the matter with the customer, explaining the site rules concerning acceptable materials. At the same time arrangements will be made for either the customer or site personnel to remove the unacceptable material from the unloading area.
- (3) Verify that unacceptable materials are either loaded back on the offender's vehicle or placed in waste containers on-site for later removal to an approved disposal site.
- (4) Complete a unacceptable material report identifying the customer, waste description, volume, waste source, vehicle and other pertinent comments for the landfill files.
- (5) Verify that unacceptable materials placed in collection bins are removed from the site within the prescribed time limit (24 hours maximum).

#### Disposal of Unacceptable Materials

A waste container will be located near the working face and at the ticket station for deposit of small quantities of putrescible waste or other unacceptable wastes that are removed from loads at the gate or from the unloading area. The waste containers will be picked up daily by a commercial hauler and disposed of in a Type I Landfill. The hauler will be required to supply a record of each disposal to the landfill.

&lt;&lt;Prev Rule

**Texas Administrative Code**

Next Rule&gt;&gt;

**TITLE 30**

ENVIRONMENTAL QUALITY

**PART 1**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**CHAPTER 330**

MUNICIPAL SOLID WASTE

**SUBCHAPTER F**

OPERATIONAL STANDARDS FOR SOLID WASTE LAND DISPOSAL SITES

**RULE §330.133****Landfill Cover**

(a) Daily cover. All landfills, with the exception of Type IV landfills, shall provide six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste at the end of each operating day to control disease vectors, fires, odors, windblown litter or waste, and scavenging, unless the executive director requires a more frequent interval to control disease vectors, fires, odors, windblown litter or waste, and scavenging. Landfills that operate on a 24-hour basis shall cover the working face or active disposal area at least once every 24 hours. All Type IV facilities shall follow the requirements of this subsection except the rate of cover shall be no less than weekly, unless the commission approves another schedule.

(b) Intermediate cover. All areas that have received waste but will be inactive for longer than 180 days shall provide intermediate cover. This intermediate cover shall be an additional six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste for a total of not less than 12 inches of cover. The intermediate cover shall be graded to prevent ponding of water. Run-off from areas which have received intermediate cover shall not be considered as having come into contact with the working face or leachate for the purpose of §330.55(b)(6) of this title (relating to Contaminated Water Treatment).

(c) Alternative material daily cover. Alternative material daily cover (ADC) may be allowed by permit provision or by modification in accordance with §305.70 of this title (relating to Municipal Solid Waste Class I Modifications).

(1) An ADC operating plan shall be included in the site development plan that includes the following:

- (A) a description and thickness of the alternative material to be used;
- (B) its effect on vectors, fires, odors, and windblown litter and waste;
- (C) the operational methods to be utilized at the site when using this alternative material;
- (D) chemical composition of the material and the Material Safety Data Sheet(s) for the alternative material; and
- (E) any other pertinent characteristic, feature, or other factors related to the use of this alternative material.

(2) A status report on the ADC shall be submitted on a quarterly basis to the executive director describing the effectiveness of the alternative material, any problems that may have occurred, and corrective actions required as a result of such problems. If no problems occur within four consecutive quarters of use, status reports will no longer be required.

(3) ADC shall not be allowed when the landfill is closed for a period greater than 24 hours, unless the executive director approves an alternative length of time.

(d) Temporary waiver. The executive director may grant a temporary waiver from the requirements of subsections (a)-(c) of this section if the owner/operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical.

(e) Final cover. Final cover for the landfill shall be in accordance with the site closure plan.

(f) Erosion of cover. Erosion of final or intermediate cover shall be repaired promptly by restoring the cover material, grading, compacting, and seeding it as necessary. Such periodic inspections and restorations are required during the entire operational life and for the post-closure maintenance period.

(g) Cover log. Each landfill shall keep a cover application log on site readily available for inspection by commission representatives and authorized agents or employees of local governments having jurisdiction. This log shall specify the date cover (no exposed waste) was accomplished, how it was accomplished, and the last area covered. This applies to daily, intermediate, and alternate daily cover. For final cover, this log shall specify the area covered, the date cover was applied, and the thickness applied that date. Each entry shall be certified by the signature of the on-site supervisor that the work was accomplished as so stated in the log.

---

**Source Note:** The provisions of this §330.133 adopted to be effective October 9, 1993, 18 TexReg 4023.

[Next Page](#)

[Previous Page](#)

[List of Titles](#)

[Back to List](#)

AUSTIN, TEXAS

# ILS RWY 35L

AUSTIN-BERGSTROM INTL (AUS)

LOC I-BSM <b>110.3</b>	APP CRS <b>353°</b>	Rwy Idg <b>12248</b>
		TDZE <b>496</b>
		Apt Elev <b>542</b>

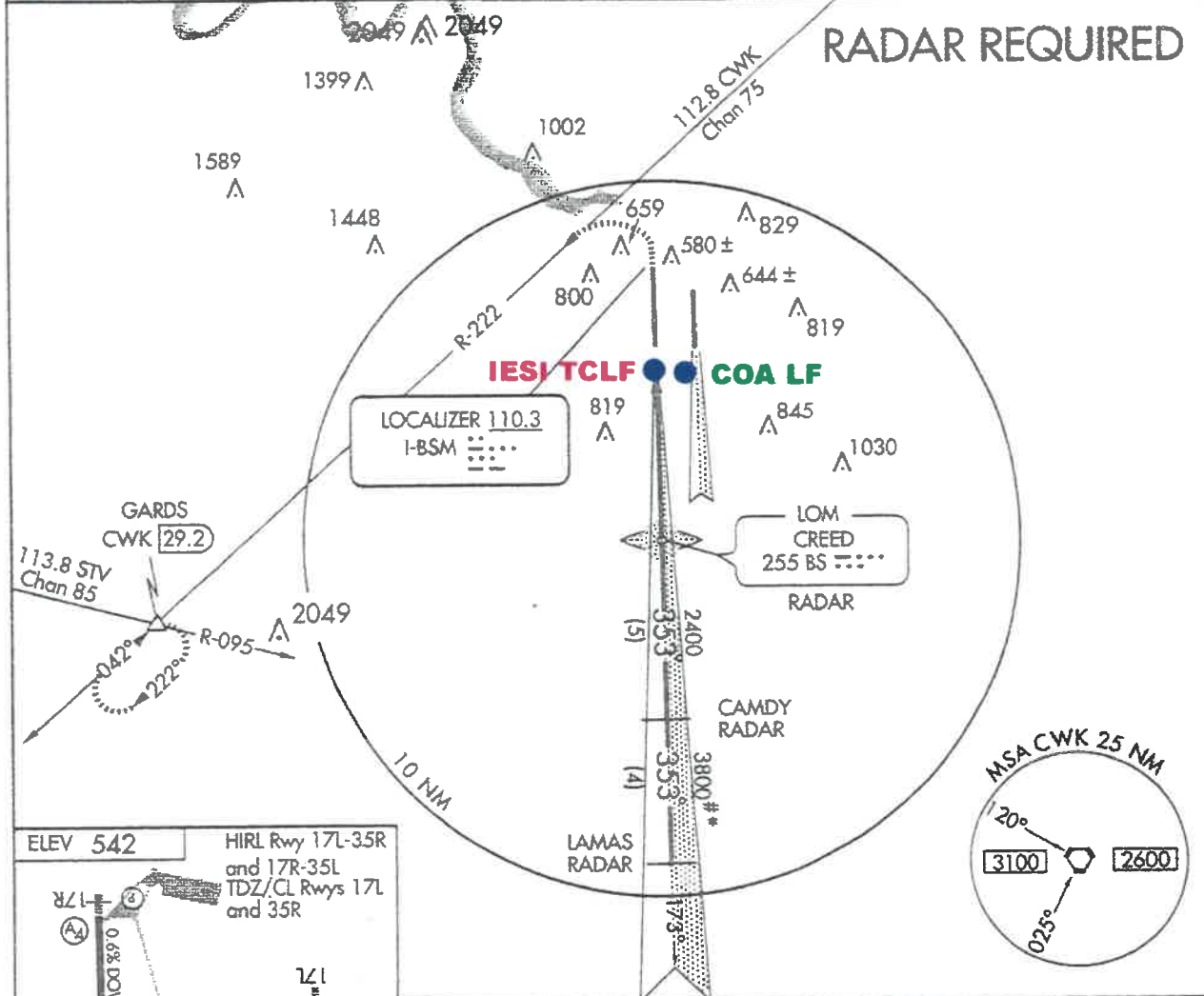
▼ Simultaneous approach authorized with runway 35R.  
▲ For inoperative MALS, increase ILS Cat E visibility to RVR 4000, and LOC Cat E visibility to 1½ mile.



MISSED APPROACH: Climb to 1000, then climbing left turn to 3000 via CWK VORTAC R-222 to GARDS Int/CWK 29.2 DME and hold.

ATIS <b>124.4</b>	AUSTIN APP CON <b>118.8 317.65 (355°-175°)</b> <b>119.0 370.85 (176°-354°)</b>	AUSTIN TOWER <b>121.0 281.5 (EAST)</b> <b>118.225 254.25 (WEST)</b>	GND CON <b>121.9 348.6</b>	CLNC DEL <b>125.5 263.0</b>	UNICOM <b>122.95</b>
----------------------	--	---	-------------------------------	--------------------------------	-------------------------

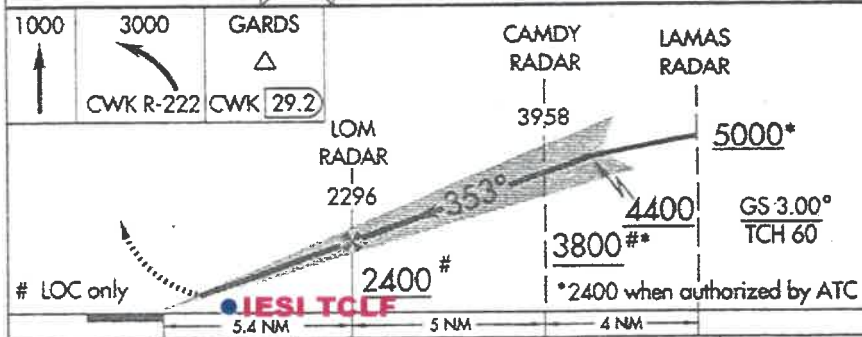
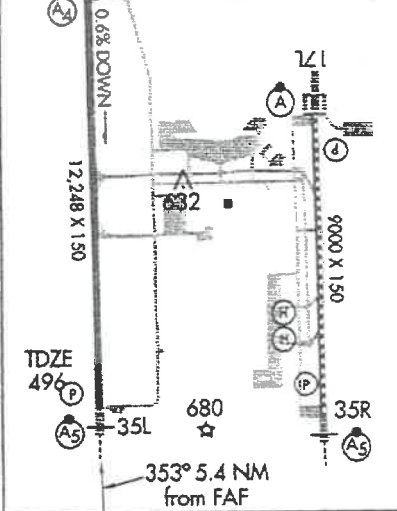
**RADAR REQUIRED**



SC-3, 5 AUG 2004

SC-3, 5 AUG 2004

ELEV 542 HIRL Rwy 17L-35R and 17R-35L TDZ/CL Rwy 17L and 35R



Knots	60	90	120	150	180
Min:Sec	5:24	3:36	2:42	2:10	1:48

CATEGORY	A	B	C	D	E
S-ILS 35L		696/24	200 (200-½)		
S-LOC 35L	980/24	484 (500-½)	980/40 484 (500-¾)	980/50 484 (500-1)	980/60 484 (500-1½)
CIRCLING	1040-1	498 (500-1)	1040-1½ 498 (500-1½)	1160-2 618 (700-2)	1260-2½ 718 (800-2½)

AUSTIN, TEXAS  
Amdt 2 04218

30°12'N-97°40'W

AUSTIN-BERGSTROM INTL (AUS)  
**ILS RWY 35L**

IESI Travis County Landfill  
Applying weekly cover per permit  
requirements.  
Saturday, November 13, 2004 11:23 a.m.



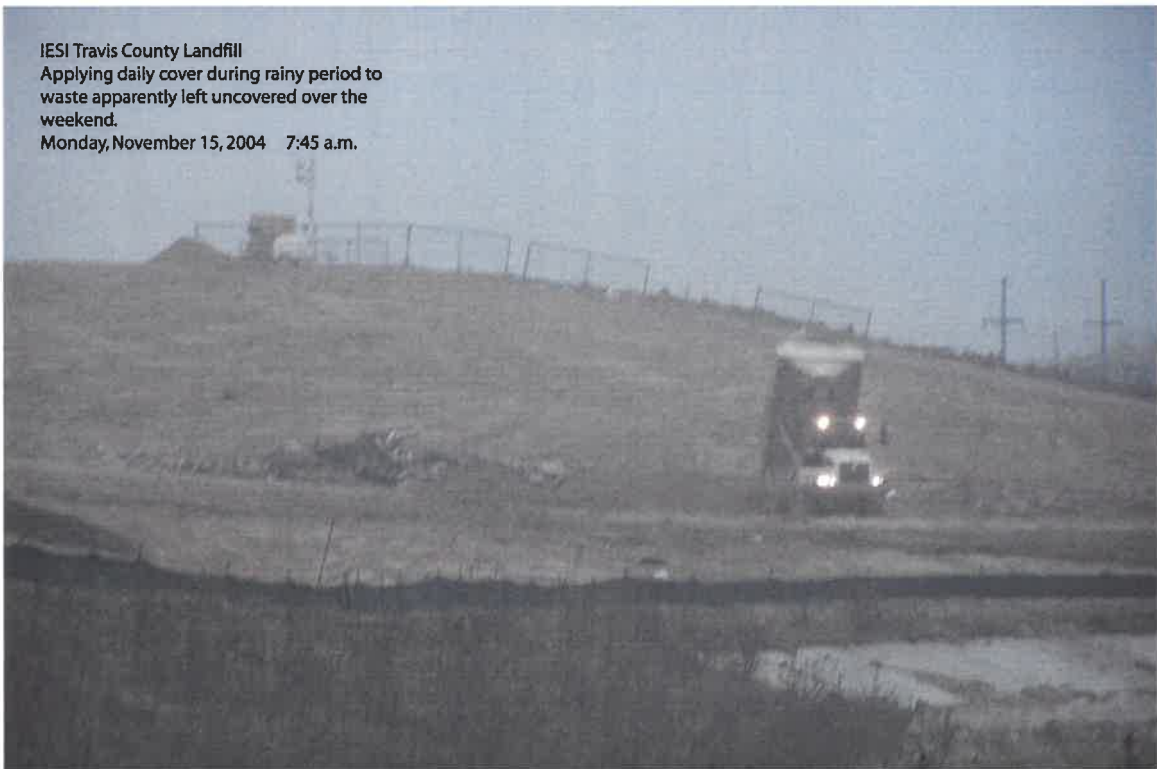
IESI Travis County Landfill  
Area shown after weekly cover applied.  
Note extensive amount of exposed trash.  
Saturday, November 13, 2004 4:25 p.m.



IESI Travis County Landfill  
Area shown after previous day's  
weekly cover applied. Note exten-  
sive amount of exposed trash.  
Sunday, November 14, 2004



IESI Travis County Landfill  
Applying daily cover during rainy period to  
waste apparently left uncovered over the  
weekend.  
Monday, November 15, 2004 7:45 a.m.





IESI Travis County Landfill  
Poorly covered area - despite substantial amount  
of rain, and permit requirement for daily cover  
during rainy periods.  
Tuesday, November 16, 2004 [7:06 a.m.]



IESI Travis County Landfill  
Note exposed trash despite permit requirement  
for daily cover during rainy periods. [It rained over  
the last 4 days.]  
Wednesday, November 17, 2004 7:00 a.m.





**IESI Travis County Landfill  
Note the runway points directly  
over the landfill.  
Sunday  
October 31, 2004**

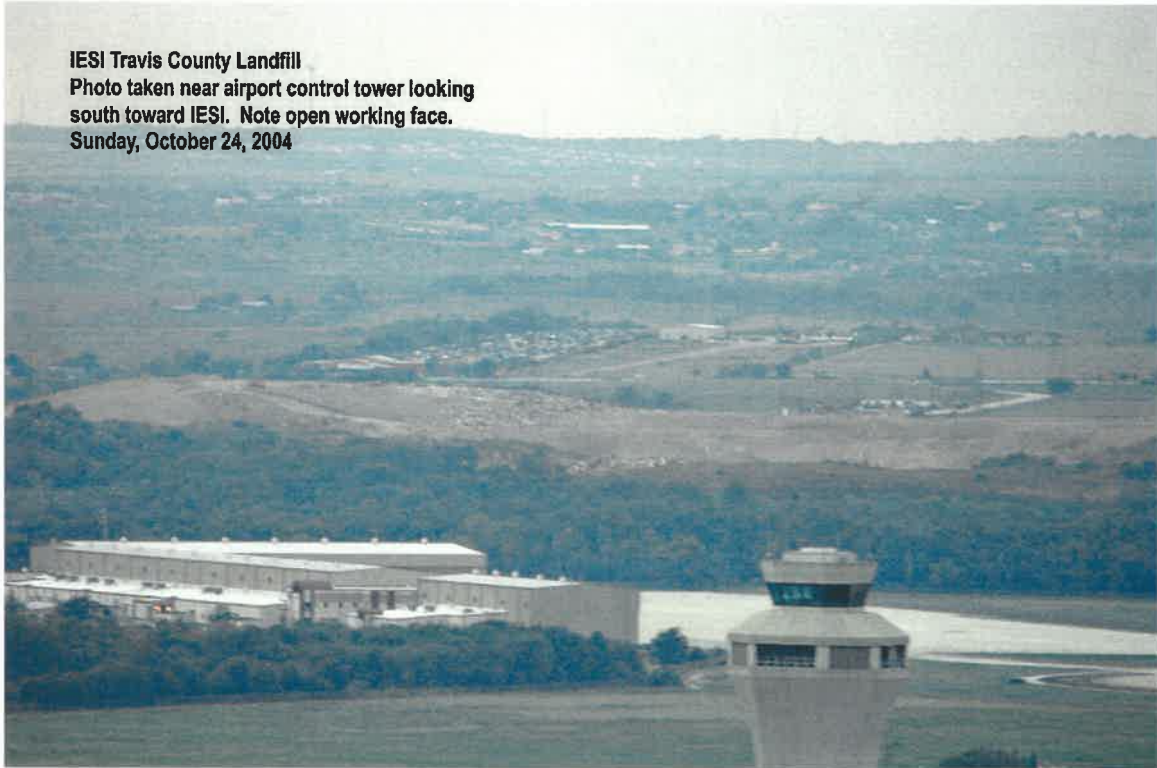


**IESI Travis County Landfill  
Partially covered working face  
Sunday  
October 31, 2004**





**IESI Travis County Landfill**  
Photo taken near airport control tower looking  
south toward IESI. Note open working face.  
Sunday, October 24, 2004



**IESI - Travis County Landfill**  
Photo taken at end of runway  
35L looking south at IESI  
Landfill and directly at open  
working face.  
Sunday October 24, 2004



**IESI - Travis County Landfill**  
Photo of uncovered working  
face taken from public roadway  
on west side of landfill. Note  
buzzards on working face.  
Sunday, October 24, 2004



**IESI - Travis County Landfill**  
Photo of uncovered working  
face, gatehouse and entry road  
on FM 812.  
Sunday, October 24, 2004



IESI - Travis County Landfill  
Photo of uncovered working  
face. Note size of working  
face.  
Sunday, October 24, 2004



IESI - Travis County Landfill  
Photo of flammable materials.  
Sunday, October 24, 2004

**A view of the City of Austin landfill and Moya Park from  
Austin Bergstrom International Airport east runway.  
Sunday, October 17, 2004**



**City of Austin Landfill  
Covered working face  
Sunday, October 17, 2004**





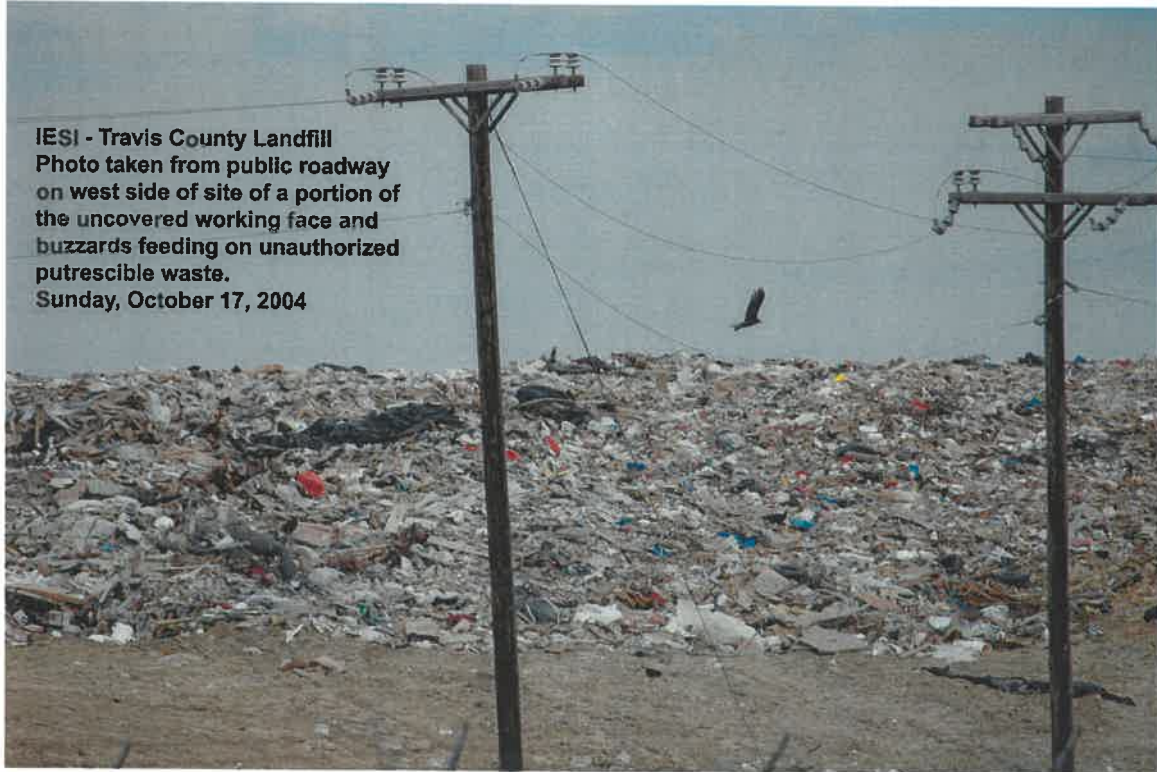




**IESI-Travis County Landfill**  
Photo taken from front entry of  
uncovered working face and buz-  
zards circling over the landfill, in  
airport main runway approach.  
Sunday, October 17, 2004



**IESI - Travis County Landfill**  
Photo of uncovered working face taken from  
public roadway on west side of landfill. City  
electric utility facility in foreground.  
Sunday, October 17, 2004



**IESI - Travis County Landfill**  
Photo taken from public roadway  
on west side of site of a portion of  
the uncovered working face and  
buzzards feeding on unauthorized  
putrescible waste.  
Sunday, October 17, 2004



**IESI - Travis County Landfill**  
Photo of a portion of the uncovered working face and a  
buzzard flying under the City of Austin main airport  
runway flyway, just south of the airport property.  
Sunday, October 17, 2004



IESI - Travis County Landfill  
Photo of several uncovered working  
faces [mid photo]; IESI hauling operation  
facility behind landfill; and the City of  
Austin landfill entry in the background.  
Sunday, October 17, 2004

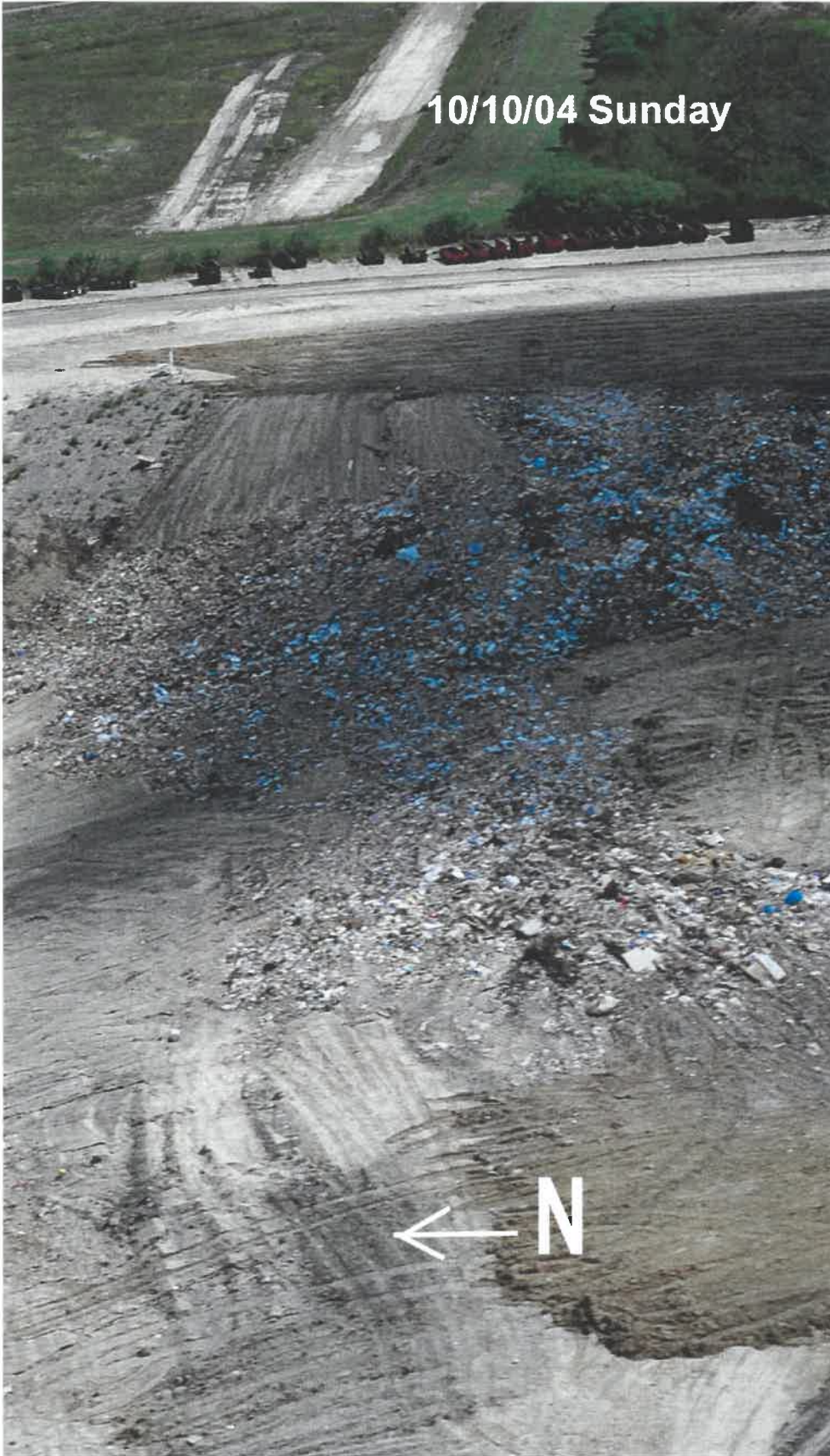


IESI - Travis County Landfill  
Photo of several uncovered working faces.  
Sunday, October 17, 2004

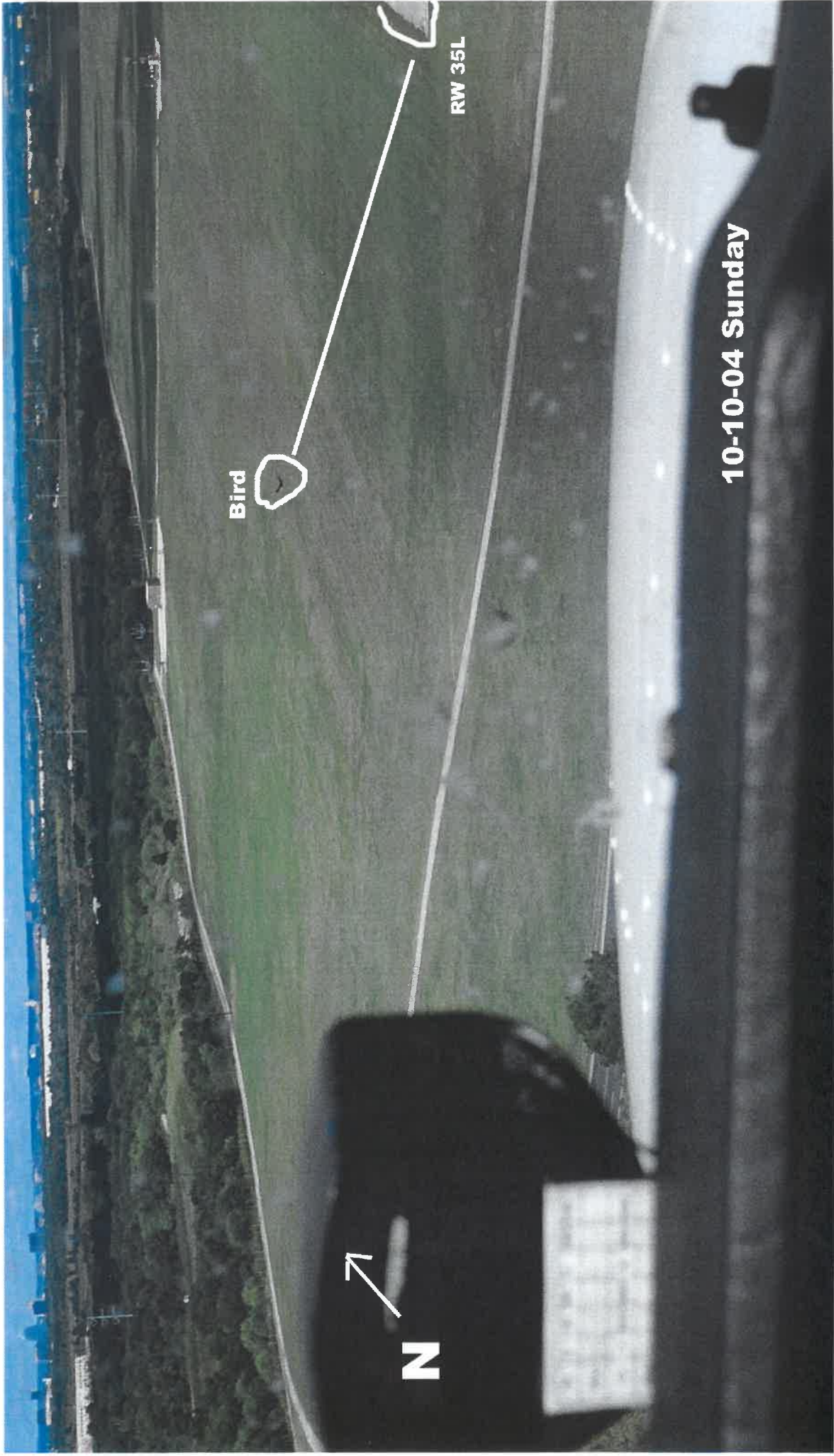


10/10/04 - Sunday

10/10/04 Sunday





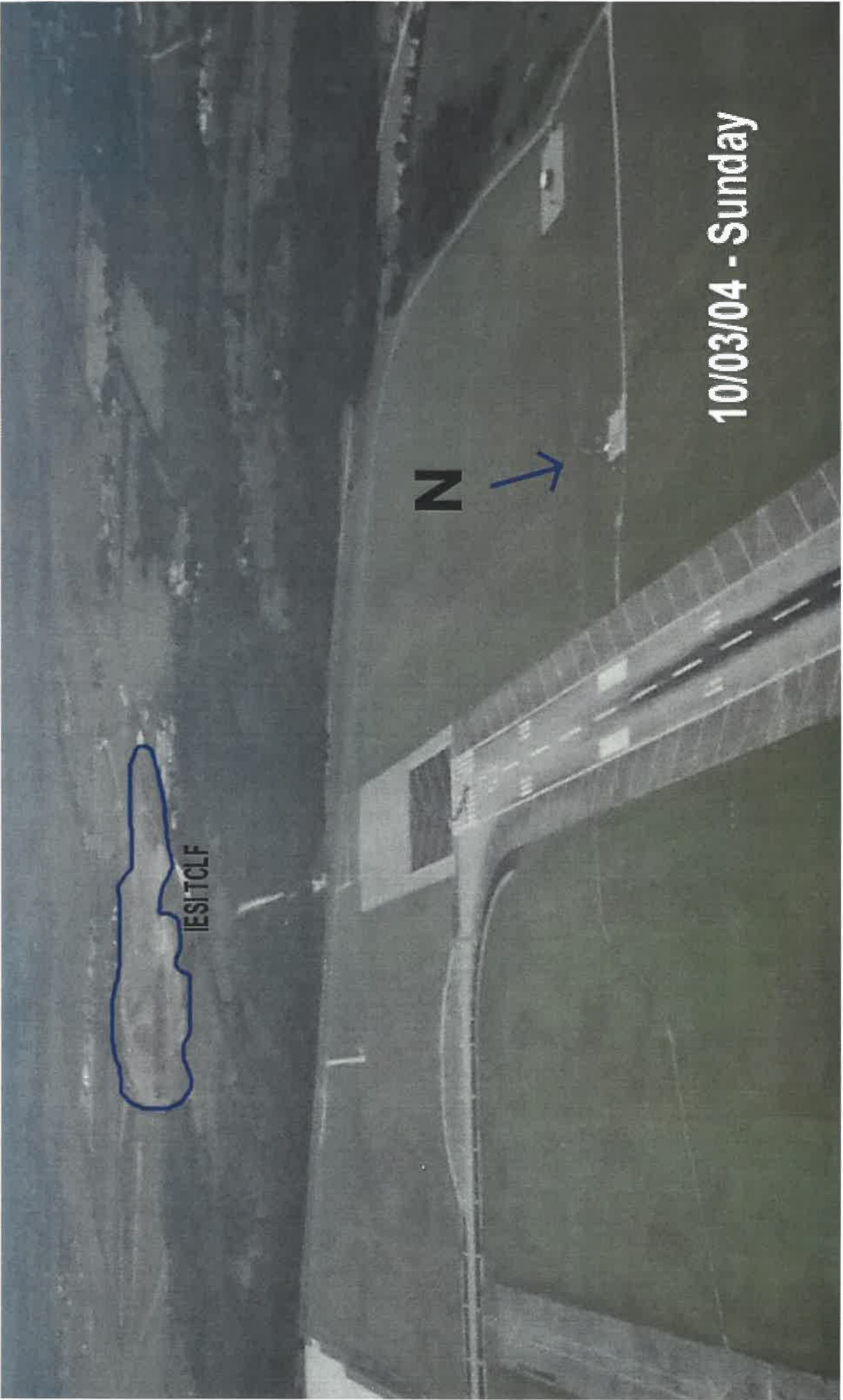


Bird

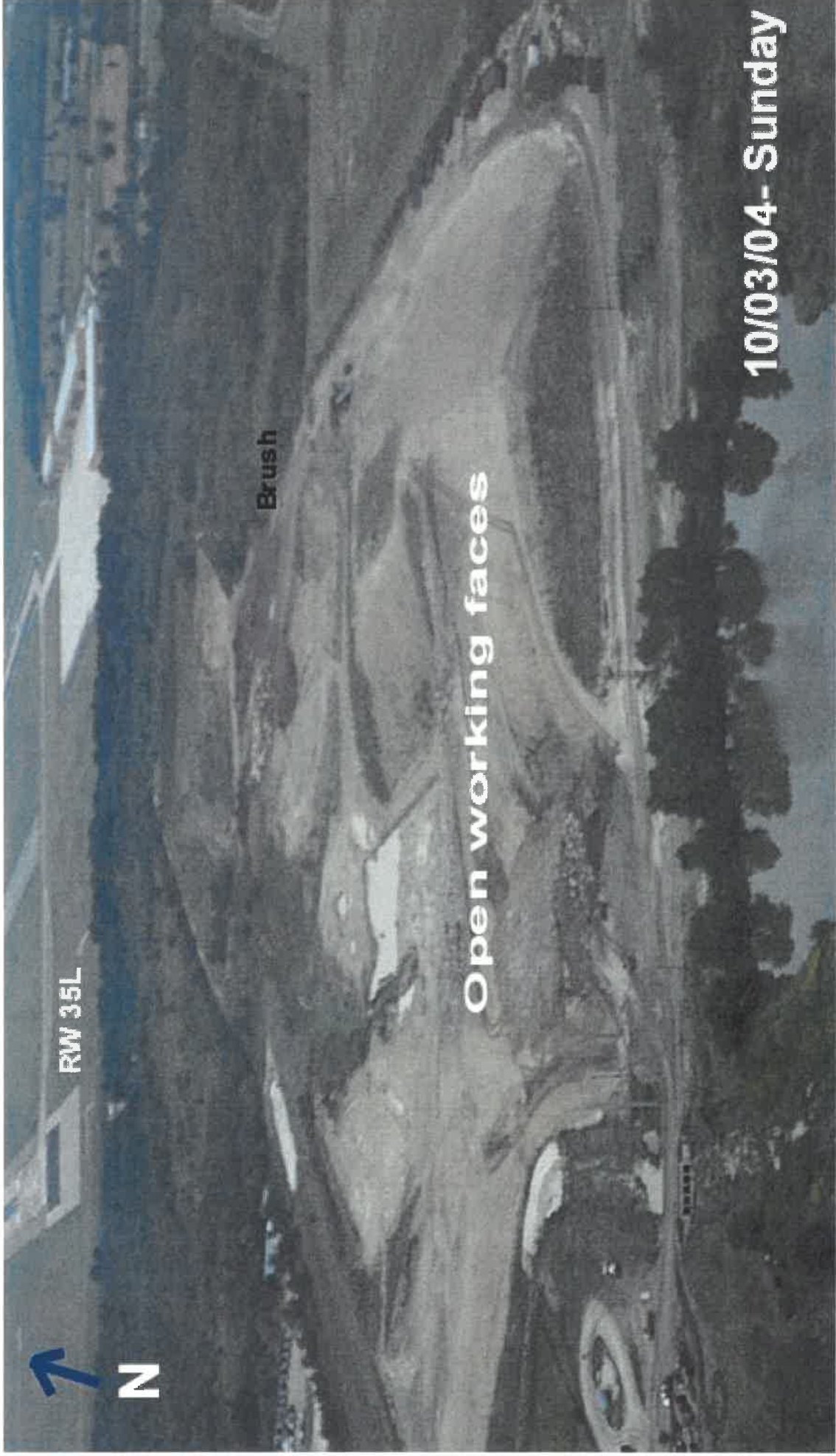
RW 35L

N

10-10-04 Sunday





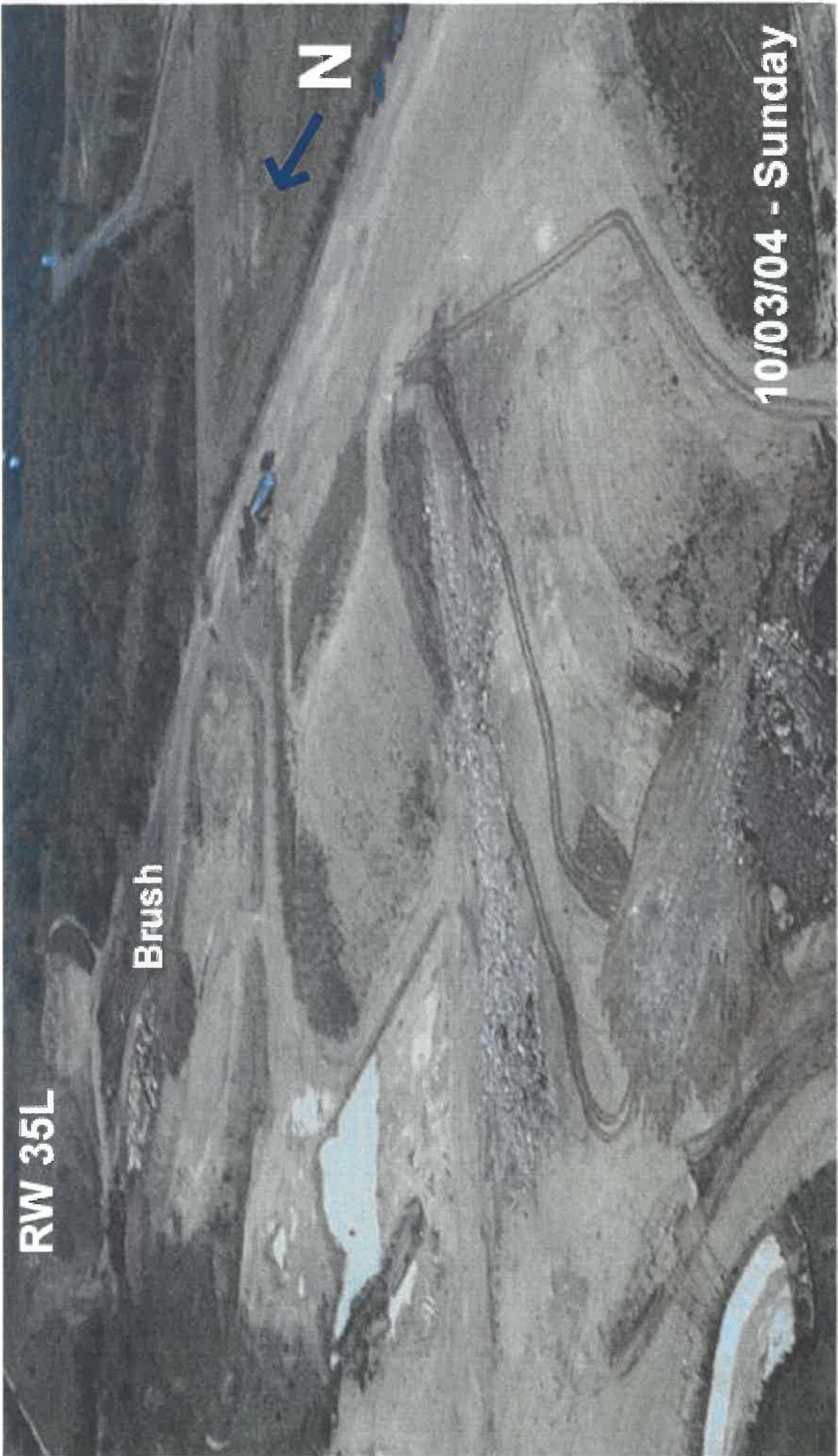


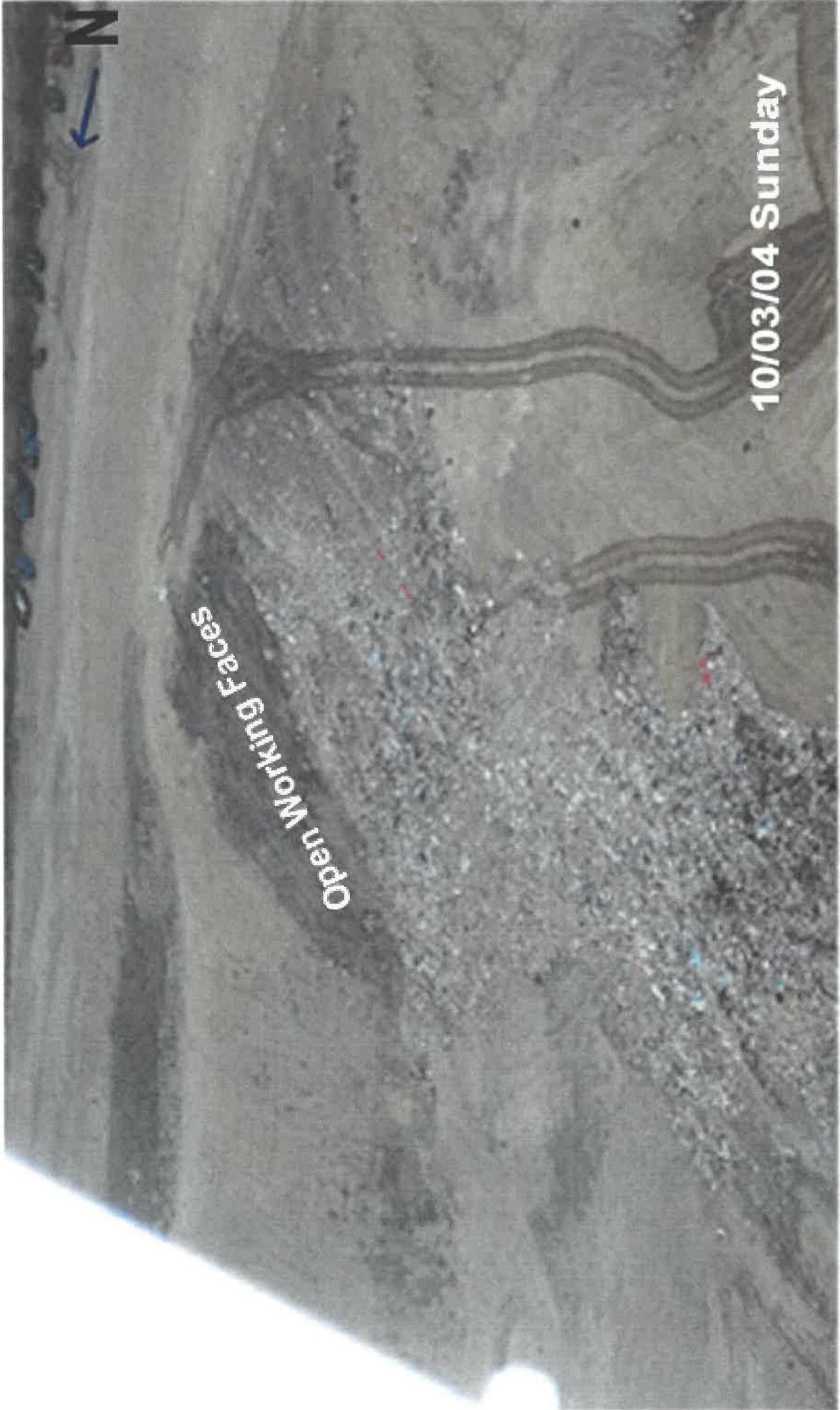
RW 35L

Brush

N

10/03/04 - Sunday





N



Open Working Faces

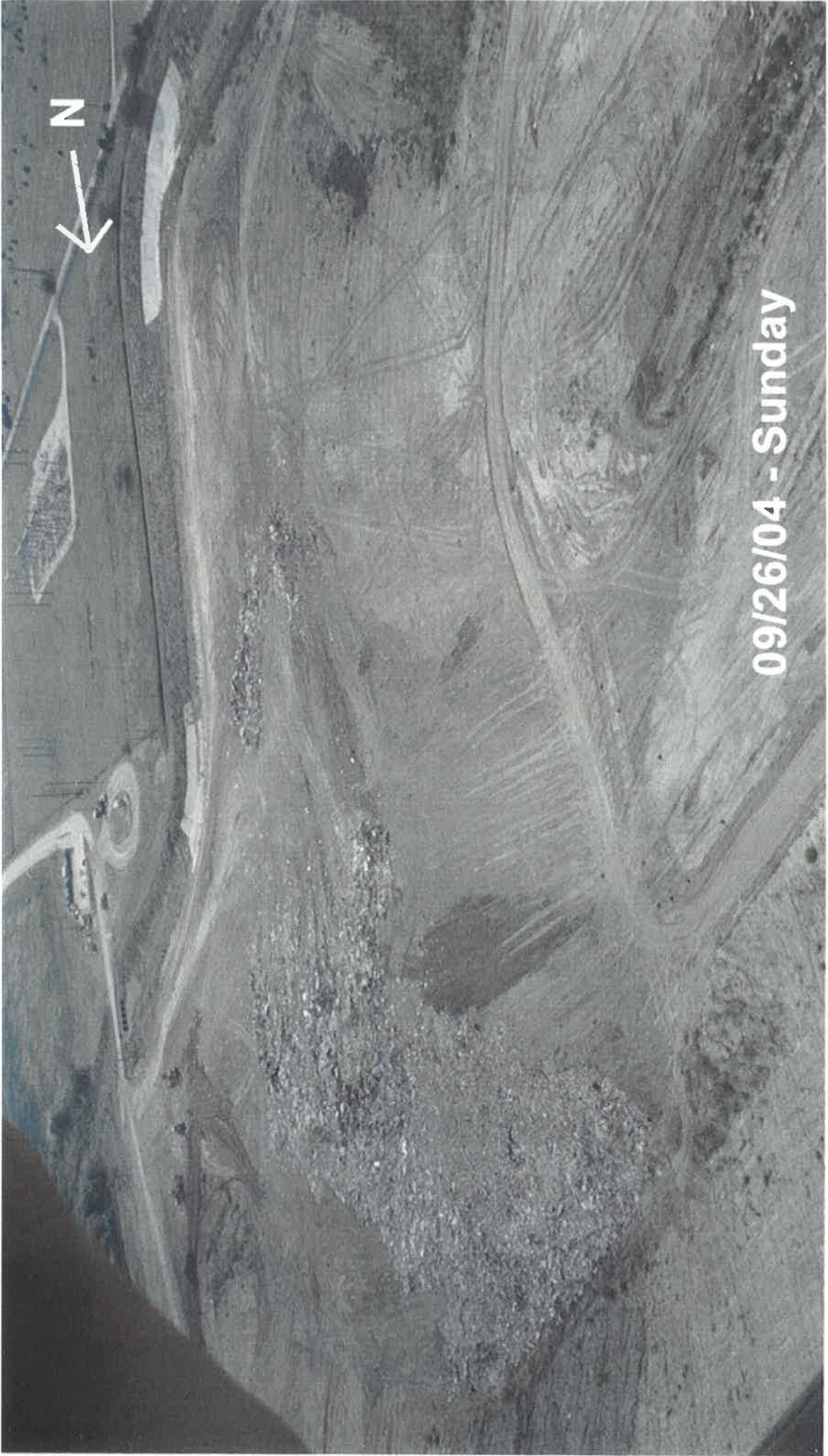
10/03/04 Sunday



**RW 35L**

**Open Working Faces**

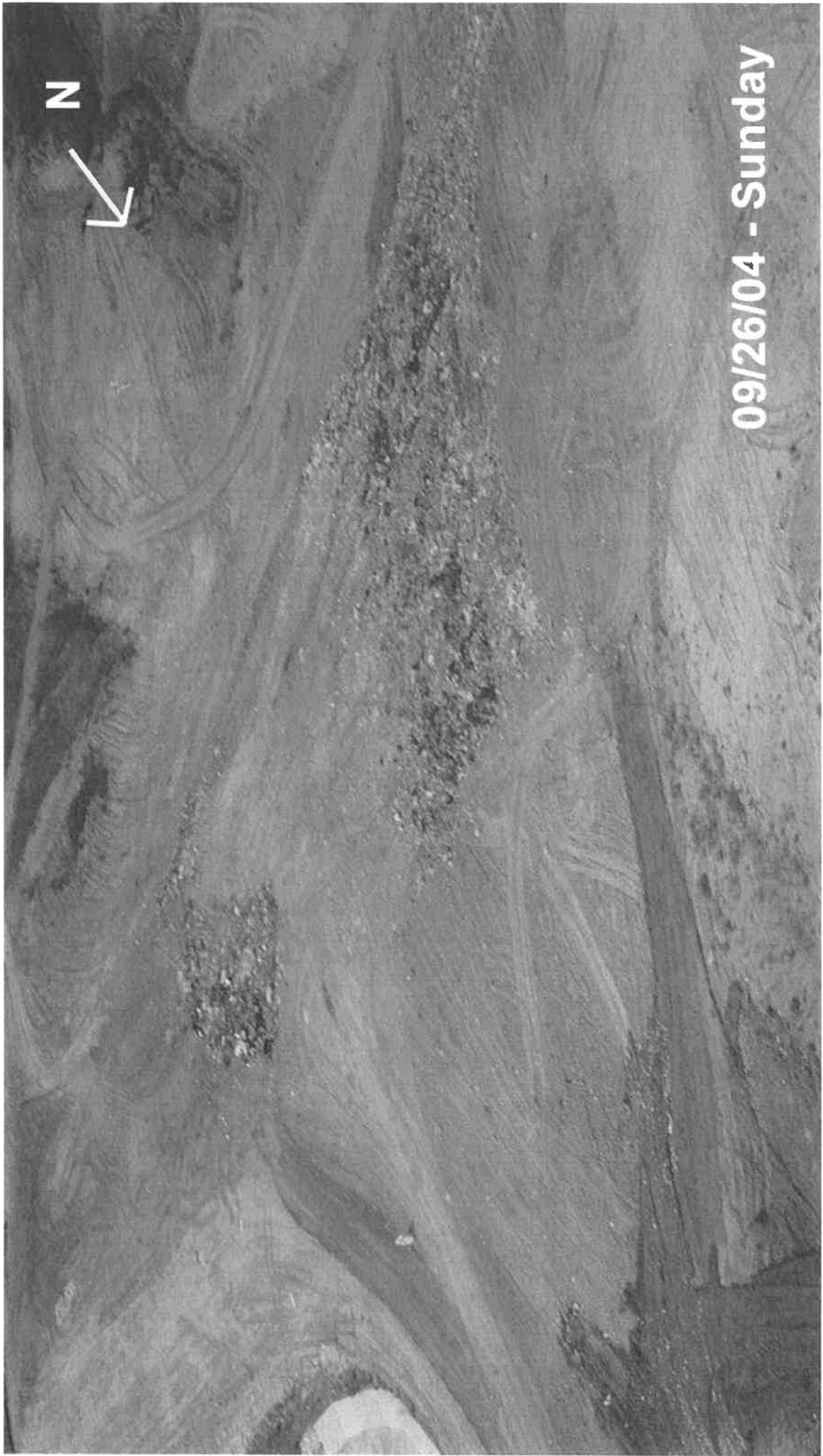
**09/26/04 - Sunday**



N



09/26/04 - Sunday



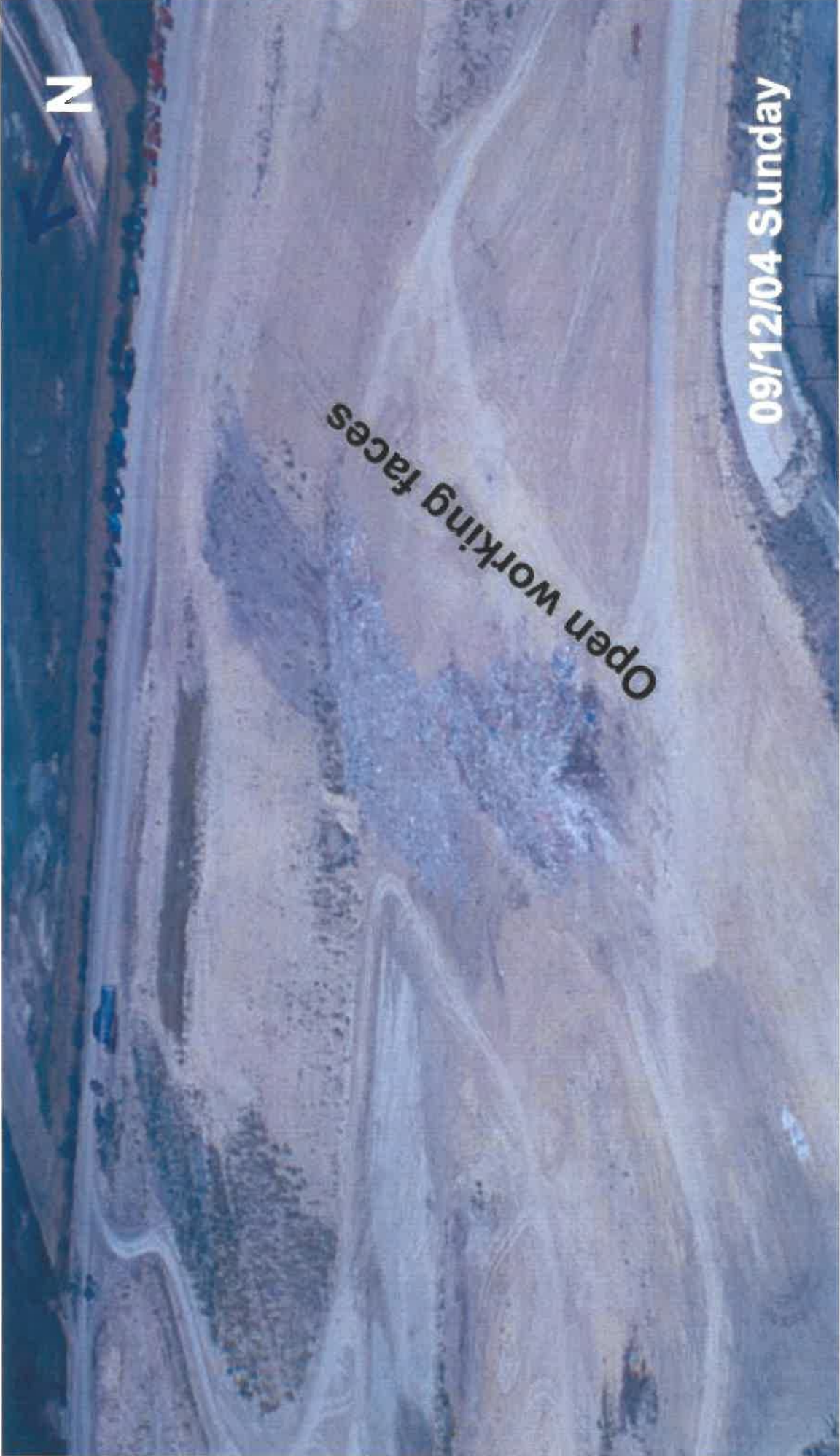


↑  
N

RW 3BL

Open working faces

09/12/04 Sunday



N

09/12/04 Sunday

Open working faces





N



Open working faces

09/12/04 Sunday





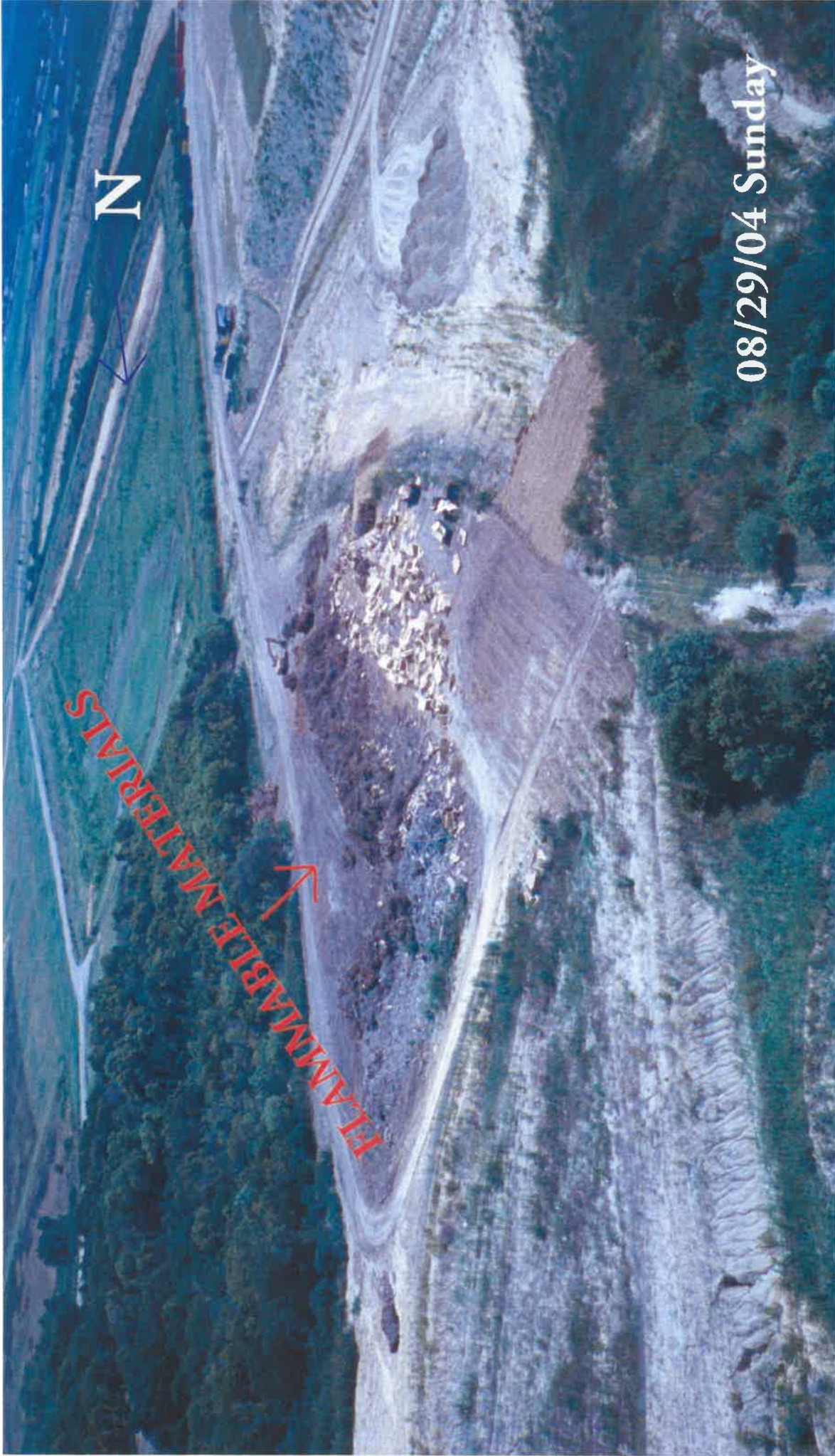
Flammable Materials

Open working faces

09/05/04 Sunday



08/29/04 Sunday



FLAMMABLE MATERIALS

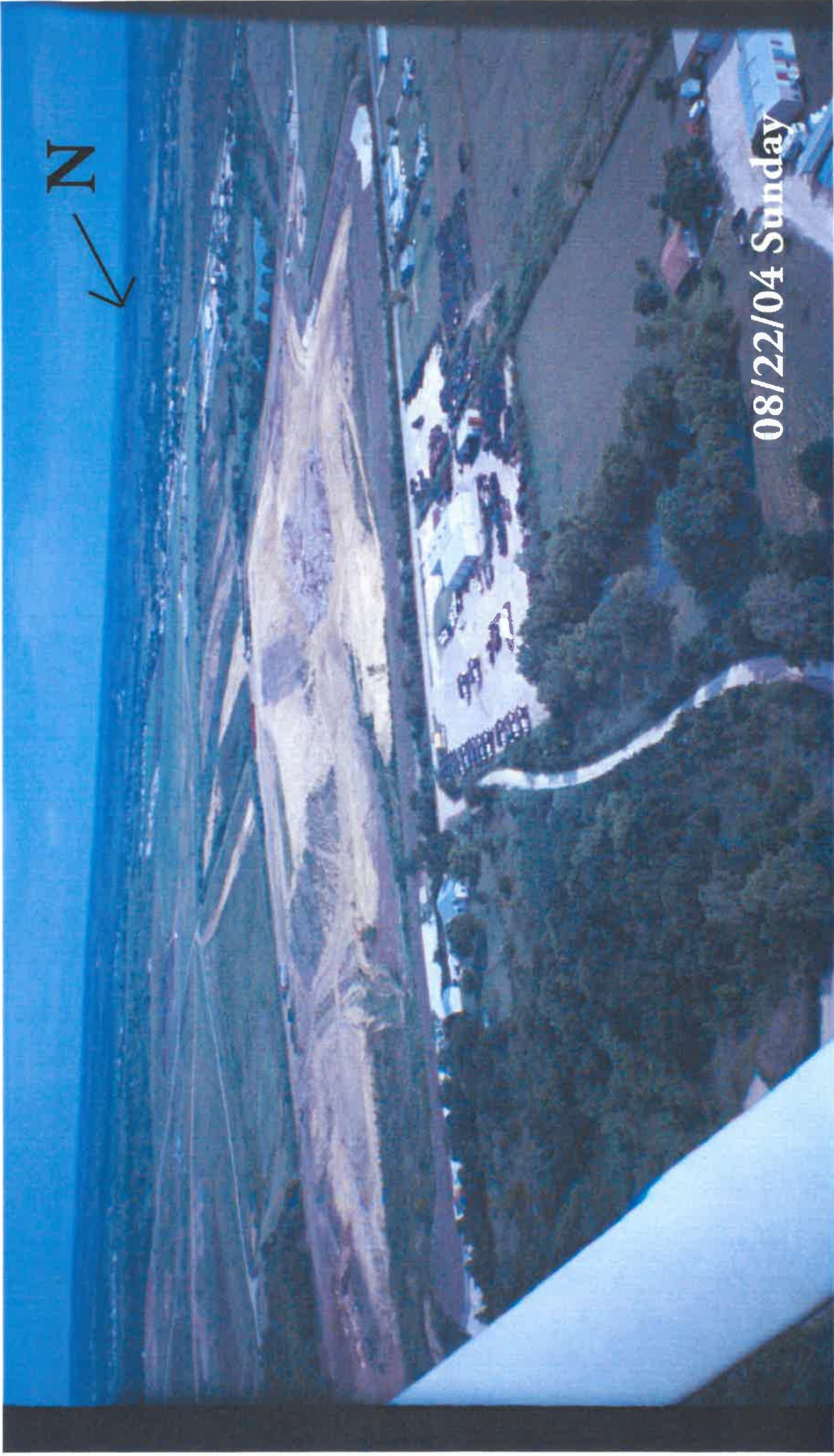
N

08/29/04 Sunday



N

08/29/04 Sunday



N



08/22/04 Sunday



N  
↓

08/22/04 Sunday





08-22-04 Sunday

IESI Travis County Landfill  
TCEQ ID NUMBER 1841

AFFIDAVIT OF JOE ALBERT DENNINGTON

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Joe Albert Dennington. I am of sound mind and over the age of 18, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct. The Executive Director of the Texas Commission on Environmental Quality (“TCEQ”) requested that I execute this affidavit in accordance with the procedure set forth in a TCEQ rule, 30 TEX. ADMIN. CODE § 70.4. The rule concerns the TCEQ Executive Director’s use of information provided by a private individual in an enforcement action.

My mailing address and telephone number are as follows: 11230 Tracton Lane, Austin, TX 78739 and 512-288-3466.

On January 24, 2005, I gave to the TCEQ information that shows a violation of statutes or rules within TCEQ’s jurisdiction. The information shows that waste was uncovered and exposed on Sundays noted on the photographic documentation when the IESI operated Travis County Landfill was closed, that vectors were present in the air immediately above, in and on uncovered waste, as well as in airspace intruding the flight path of Austin Bergstrom International Airport, and that no stock piles of dirt or fire protection equipment were near the exposed waste. When I gathered the information I did so in accordance with the Commission protocols and guidelines prescribed on the TCEQ website for Photographic Documentation Procedures. I either took or, while piloting, caused to have taken under my direction the photographic documentation presented with the exception of photographs of aircraft damage caused by bird strikes (pages 4-7). Those photographs were taken from Federal Aviation Administration National Wildlife Strike Database Serial Reports Numbers 9 and 10 entitled “Wildlife Strikes to Civil Aircraft in the United States” and the Texas Aviation Association Web Site.

Attached hereto are 52 pages of records and a CD. These said 52 pages of records and a CD were prepared by myself, made with my knowledge of the act, event, condition, opinion, or diagnosis shown in the records. The records were made at or near the time of the act, event, condition, opinion, or diagnosis, or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the

original.

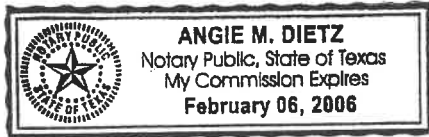
I certify that the information in this affidavit was not gathered illegally.

I certify that I will testify in any enforcement proceedings the TCEQ Executive Director may initiate using the information I have provided in this affidavit, including enforcement proceedings pursued by the TCEQ Executive Director, and enforcement proceedings pursued through the TCEQ Executive Director's referral of the matter to an appropriate prosecuting authority."

Joe Albert Dennington  
Joe Albert Dennington

SWORN TO AND SUBSCRIBED before me on the 17th day of February, 2005.

Angie M. Dietz  
Notary Public, State of Texas



Notary's printed name:

Angie M. Dietz

My commission expires:

2/6/06