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COPY

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 27, 2005

Mr. Royce Gray, District Manager  
IESI Travis County Landfill  
P.O. Box 69  
Seguin, Texas 78156

Re: Complaint Investigation at:  
IESI Travis County Landfill, FM 812, Austin (Travis County), Texas  
MSW ID No.1841, RN 101288272

Dear Mr. Gray:

The Texas Commission on Environmental Quality (TCEQ) Austin Region Office has completed an investigation at the above referenced location. The investigation was in response to notification received by this office of a potential environmental concern. Enclosed is a copy of the final report indicating the results of the investigation.

Thank you for your assistance to the TCEQ in this matter. If you have questions feel free to contact Mrs. Melonie Knussmann of my staff at (512) 339-2929.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barry Kalda".

Barry Kalda  
Waste Section Manager  
Austin Region Office

BJK/mmk

Enclosure

**Texas Commission on Environmental Quality**  
**Investigation Report**  
**IESI TX LANDFILL LP**  
**CN601668486**

**IESI TRAVIS COUNTY LANDFILL**

.RN101288272

Investigation # 349236

Incident # 53176

Investigator: MELONIE KNUSSMANN

Site Classification

TYPE 4

Conducted: 01/26/2005 -- 03/22/2005

SIC Code: 4953

Program(s): MUNICIPAL SOLID WASTE DISPOSAL

Investigation Type : Compliance Investigation

Location : 1200 FEET NORTHEAST OF FM  
 812 3600 FEET WEST NORTHWEST OF  
 FM 973 3500 FEET EAST OF US HIGHWAY  
 183

Additional ID(s) : 1841

Address: 9600 FM 812; AUSTIN,  
TX 78719

Activity Type : MSWCMPL - Investigation of MSW complaint

Principal(s) :

Role	Name
RESPONDENT	IESI TX LANDFILL LP

Contact(s) :

Role	Title	Name	Phone
Regulated Entity Contact	SITE MANAGER	MR MARK GREENE	Work (512) 243-6000
Regulated Entity Mail Contact	DISTRICT MANAGER	ROYCE GRAY	Work (830) 401-4192

Other Staff Member(s) :

Role	Name
INVESTIGATOR	CHRISTOPHER WIATREK
QA REVIEWER	CHRISTOPHER WIATREK
SUPERVISOR	BARRY KALDA

**Associated Check List**

<u>Checklist Name</u>	<u>Unit Name</u>
COMPLAINT INVESTIGATION - MSW	53176

Investigation Comments :**INTRODUCTION**

On January 24, 2005, a complaint was received alleging that IESI Travis County Landfill, MSW ID No.1841, is not compliant with TCEQ's solid waste regulations and has violated provisions of the Federal Aviation Administration Waiver allowing such a site to operate within five miles of an airport. Photographs and a DVD were submitted as evidence along with the written complaint. On February 22, 2005, a signed affidavit was received from one of the complainants allowing the photographs and DVD to be used as citizen collected evidence.

**GENERAL FACILITY AND PROCESS INFORMATION**

IESI Travis County Landfill is a Type IV municipal solid waste (MSW) facility that accepts brush, construction-demolition waste, and/or rubbish that is free of putrescible/household wastes.

**ADDITIONAL INFORMATION**

**Vector Issue & Accepting Putrescibles**

On January 26, 2005, I left a voicemail for Mr. Mike Nicely, Airport Development Manager for Texas' Federal Aviation Administration (FAA) SW Region in Fort Worth, to discuss the vector problem alleged in the complaint. According to the complaint, a "Letter of Notice and Information" regarding the complaint was sent to Mr. Nicely. On January 28, 2005, Mr. Marcelino Sanchez, of the FAA SW Region in Fort Worth returned the call that I made to Mr. Nicely. → 817-222-5650 —

Mr. Sanchez reported that he went to IESI Travis County Landfill on January 14, 2005, after receiving the "Letter of Notice and Information", to observe the landfill operations. He was at the landfill from approximately 1:00 p.m. to 5:00 p.m. Mr. Sanchez stated that he did not observe any food waste being disposed of at the landfill; the waste accepted was predominantly construction/demolition debris.

While at the facility, Mr. Sanchez reported that he saw one vulture in the sky approximately 5 miles from the airport. He also saw a few small birds in the flight path of the airport. During his visit, Mr. Sanchez reported that it appeared that the landfill's working face was within its permitted size of approximately 80 feet wide.

According to Mr. Sanchez, since May 1999, when Austin Bergstrom International Airport (ABIA) opened, there have been 110 bird strikes on the north side of the airport and 3 bird strikes on the south side of the airport. The south side of the airport is closest to IESI Travis County Landfill. The bird strikes have involved small sparrow like birds and one duck. The one duck was the largest bird involved in the bird strikes.

Mr. Sanchez reported that a Wildlife Management Group, advised by Mr. Shane Harbinson, Airport Operations Manager at ABIA, has been going to IESI Travis County Landfill and the City of Austin (COA) Landfill to observe the alleged vector problem since the middle of November 2004. The Wildlife Management Group, consisting of Mr. Eddy Velarde and Rodney Williams, make visits to the landfills 2-3 times a week.

I spoke Mr. Velarde on February 1, 2005. He stated that visits are made to IESI and COA at different times of the day each time. He has only seen construction/demolition waste being accepted at IESI. Mr. Velarde reported that during the visits, they have not observed "anything significant at all" regarding vectors, and they "see 4-5 birds, if any, but they are all small birds".

On March 21, 2005, Mr. Sanchez, Mr. Harbinson, Mr. Ron Gentry of ABIA, Mr. Joe Washington of FAA SW Region in Fort Worth, and Mr. Ed Cleary, Staff Wildlife Biologist, FAA, Office of Airport Safety and Standards in Washington, DC, observed operations at IESI. They watched waste being deposited at the working face, which Mr. Cleary stated was predominantly construction/demolition debris. No putrescible/household waste was observed being disposed of.

On March 22, 2005, I met with the above referenced individuals to discuss what was observed during their site visit. While at IESI, Mr. Cleary reported that he saw 1 red tailed hawk and some small birds, which he stated are expected to be seen in Texas grassland, such as those around IESI. He also stated that a bird cannon was going off every 15 minutes to deter birds. He recommended to Mr. Mark Greene, Site Manager at IESI, that the bird cannon be turned off and used only when birds are seen. Mr. Cleary explained that when the cannon goes off so frequently it becomes background noise to birds and is not effective. After making the visit to IESI, Mr. Cleary stated that from his observation and FAA guidelines, vectors are a "non issue" at the landfill.

During the meeting I showed Mr. Cleary photographs of bird strikes submitted by the complainant. Mr. Cleary recognized the photographs as pictures that are displayed on an FAA website that he maintains. The photograph submitted as page 4 of the citizen collected evidence was from a bird strike that occurred on October 6, 1999, in Allantic City. Page 5 of the citizen collected evidence was a photograph taken from the website of a duck strike from a plane leaving Lakefront Airport in Louisiana on March 9, 2003. The last photograph submitted from Mr. Cleary's website as citizen collected evidence was page 6. This was a photograph of a bird strike that happened with a Canadair CL-600 striking a Canadian goose on March 9, 2002. Although this information was not included with the initial written complaint, the citizen's affidavit acknowledged that these photos were

22-267-3389

**Cover Provisions**

The cover provisions in IESI's Site Operating Plan (SOP) state "A compacted cover layer six inches thick will be applied over waste fill not less than weekly.....Cover will be provided on the working face as necessary to control windblown material and at least weekly prior to closing." The interpretation of the above mentioned statement was discussed with Ms. Mary Clair Lyons, Attorney, TCEQ Litigation Division. It was determined that IESI's SOP states that cover will be applied at least weekly, and if necessary, prior to closing on Saturday to control windblown material. Pictures submitted by the complainant do not exhibit signs of windblown trash from lack of cover before closing on Saturday.

This issue will be noted as an Area of Concern in the investigation findings. It is recommended that the facility submit a permit modification and reword the cover provisions section in the facility's SOP to make the statement more clear.

**Fire Prevention and Control Provisions**

From the pictures submitted by the complainant, it did not appear that IESI is in violation of the Fire Prevention and Control section described in the facility's SOP. During a Comprehensive Evaluation Investigation (CEI) conducted at the facility on December 1, 2004, there were not any fire prevention violations observed.

**CONCLUSION**

The submitted photos show the serious consequences that birds can have on air traffic. Even though these photos were not of events that occurred at Bergstrom Airport, this office has conducted a careful evaluation of all available information to ensure that the nearby C & D landfills do not contribute to circumstances that could lead to this type of event.

The number of bird strikes (110) on the north side of the airport (the side furthest from the landfills) and the relatively low number of bird strikes (3) on the south side (the side closest to the landfills) do not support the theory that the C & D landfills are a significant source of birds in the area surrounding the airport. FAA personnel have noted this as a "non-issue."

During the investigation, no violations of Texas Commission on Environmental Quality (TCEQ) regulations were alleged. The issue regarding clarification of weekly cover application will be addressed as an Area of Concern.

**No Violations Associated to this Investigation**

**Areas of Concern**

Description

Was (were) violation(s) of TCEQ rules noted during this investigation? (if so, itemized in following questions)

Additional Comments

It is recommended that IESI submit a permit modification and rephrase the cover provisions section in the site operating plan. The interpretation of what is determined as weekly coverage should have more clarity.

Signed Melanie Kussmann  
Environmental Investigator

Date 4/21/05

Signed By Kaddy  
Supervisor

Date 4-21-05

**Attachments: (in order of final report submittal)**

- Enforcement Action Request (EAR)
- Letter to Facility (specify type): FWL
- Investigation Report
- Sample Analysis Results
- Manifests
- NOR

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify):  
citizen collected evidence  
affidavit  
letters to complainants

## TCEQ Complaint Report

04/21/2005  
9:59:43AM

COPY

Incident No: 53176

Media Type: Waste

Start Date: Unknown

Received Date: 01/24/2005

Method : LETTER

Staff Member: MKNUSSMA

Status: Closed

Status Date: 02/01/2005

Priority: Within 30

Calendar Days

Regulated Entity: Iesi Travis County Landfill

RN101288272

Address: 9600 Fm 812

Austin, Travis County, TX 78719

Physical Location: 1200 FEET NORTHEAST OF FM 812 3600 FEET WEST NORTHWEST OF FM  
973 3500 FEET EAST OF US HIGHWAY 183

Responsible Party: Iesi Tx Landfill Lp

Address: 9600 Fm 812, Austin, TX 78719

Work Phone: (512)243-6000.

Title: Site Manager

Number Complaining: 1

Frequency: Current

Alleged Source: Iesi Travis County Landfill

Program Group: Municipal Solid  
Waste - High Level

Nature: Municipal

Effect: General

**Initial Problem:**

The complainant alleges that IESI TX Landfill is not compliant with TCEQ's solid waste regulations and has violated the provisions of the Federal Aviation Administration Waiver.

**Additional Comments:**

On 1/26/05, I began investigating the complaint.

**Closure Comments:**

This complaint was received on 1/24/2005.

Incident location: 9600 FM 812.

Investigation #: 349236

## Summary of Investigation Findings

IESI TRAVIS COUNTY LANDFILL  
9600 FM 812  
AUSTIN, TRAVIS COUNTY, TX 78719  
Additional ID(s): 1841

Investigation # 349236  
Investigation Date: 01/26/2005

No Violations Associated to this Investigation

### AREAS OF CONCERN

#### Description

Was (were) violation(s) of TCEQ rules noted during this investigation? (if so, itemized in following questions)

#### Additional Comments

It is recommended that IESI submit a permit modification and rephrase the cover provisions section in the site operating plan. The interpretation of what is determined as weekly coverage should have more clarity.