

City of Waco Landfill
McLennan County
TCEQ Permit No. MSW-1039

December 2022 Technical Notice-of-
Deficiency Response
Marked and Unmarked Version

Prepared for

City of Waco



Solid Waste Services
501 Schroeder Drive
Waco, Texas 76710

Prepared by:

SCS ENGINEERS

SCS Project No. 16222085.00 | Revision 1 – January 2023

1901 Central Drive, Suite 550
Bedford, Texas 76021
817.571.2288



Texas Commission on Environmental Quality

Waste Permits Division Correspondence

Cover Sheet

Date: 01/20/2023

Facility Name: City of Waco Landfill

Permit or Registration No.: 1039

Nature of Correspondence:

☐ Initial/New

☒ Response/Revision to TCEQ Tracking No.:
28084250 (from subject line of TCEQ letter
regarding initial submission)

Affix this cover sheet to the front of your submission to the Waste Permits Division. Check appropriate box for type of correspondence. Contact WPD at (512) 239-2335 if you have questions regarding this form.

Table 1 - Municipal Solid Waste Correspondence

Applications	Reports and Notifications
<input type="checkbox"/> New Notice of Intent	<input type="checkbox"/> Alternative Daily Cover Report
<input type="checkbox"/> Notice of Intent Revision	<input type="checkbox"/> Closure Report
<input type="checkbox"/> New Permit (including Subchapter T)	<input type="checkbox"/> Compost Report
<input type="checkbox"/> New Registration (including Subchapter T)	<input type="checkbox"/> Groundwater Alternate Source Demonstration
<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Groundwater Corrective Action
<input type="checkbox"/> Minor Amendment	<input type="checkbox"/> Groundwater Monitoring Report
<input type="checkbox"/> Limited Scope Major Amendment	<input type="checkbox"/> Groundwater Background Evaluation
<input type="checkbox"/> Notice Modification	<input type="checkbox"/> Landfill Gas Corrective Action
<input type="checkbox"/> Non-Notice Modification	<input type="checkbox"/> Landfill Gas Monitoring
<input checked="" type="checkbox"/> Transfer/Name Change Modification	<input type="checkbox"/> Liner Evaluation Report
<input type="checkbox"/> Temporary Authorization	<input type="checkbox"/> Soil Boring Plan
<input type="checkbox"/> Voluntary Revocation	<input type="checkbox"/> Special Waste Request
<input type="checkbox"/> Subchapter T Disturbance Non-Enclosed Structure	<input type="checkbox"/> Other:
<input type="checkbox"/> Other:	

Table 2 - Industrial & Hazardous Waste Correspondence

Applications	Reports and Responses
<input type="checkbox"/> New	<input type="checkbox"/> Annual/Biennial Site Activity Report
<input type="checkbox"/> Renewal	<input type="checkbox"/> CPT Plan/Result
<input type="checkbox"/> Post-Closure Order	<input type="checkbox"/> Closure Certification/Report
<input type="checkbox"/> Major Amendment	<input type="checkbox"/> Construction Certification/Report
<input type="checkbox"/> Minor Amendment	<input type="checkbox"/> CPT Plan/Result
<input type="checkbox"/> CCR Registration	<input type="checkbox"/> Extension Request
<input type="checkbox"/> CCR Registration Major Amendment	<input type="checkbox"/> Groundwater Monitoring Report
<input type="checkbox"/> CCR Registration Minor Amendment	<input type="checkbox"/> Interim Status Change
<input type="checkbox"/> Class 3 Modification	<input type="checkbox"/> Interim Status Closure Plan
<input type="checkbox"/> Class 2 Modification	<input type="checkbox"/> Soil Core Monitoring Report
<input type="checkbox"/> Class 1 ED Modification	<input type="checkbox"/> Treatability Study
<input type="checkbox"/> Class 1 Modification	<input type="checkbox"/> Trial Burn Plan/Result
<input type="checkbox"/> Endorsement	<input type="checkbox"/> Unsaturated Zone Monitoring Report
<input type="checkbox"/> Temporary Authorization	<input type="checkbox"/> Waste Minimization Report
<input type="checkbox"/> Voluntary Revocation	<input type="checkbox"/> Other:
<input type="checkbox"/> 335.6 Notification	
<input type="checkbox"/> Other:	

January 20, 2023

Mr. Steve Odil
Municipal Solid Waste Permits Section MC-124
Texas Commission on Environmental Quality
12015 Park 35 Circle, Building F, Suite 1201
Austin, Texas 78753

Sent via FedEx

Subject: City of Waco Landfill – Permit No. MSW-1039
Municipal Solid Waste (MSW) – McLennan County
Permit Modification to Remove Property from the Permit Boundary of the Closed
Landfill and Update to Permit Owner– Response to TCEQ 12/22/2022 Comments
RN106117625 / CN600131940
TCEQ Tracking Number 28084250

Dear Mr. Odil:

In response to your December 22, 2022 comments provided by email, we have provided responses to your numbered comments in bold italics below along with revised text and drawings. We have included one (1) original and two (2) unmarked copies (**see Attachment 1**), and one (1) marked copy (**see Attachment 2**) of the revisions. A separate copy of the revisions has been sent to the region office.

1. The submittal combines a modification under 30 TAC 305.70(j) and a name change modification. Please consider withdrawing your request and submitting these requests sequentially.

Response:

The permit modification for name change and boundary changes need to remain combined to allow the removal of the Arcosa property from the permit boundary along with removal of the company from the actual permit. As such, no revisions have been made in response to this comment. Please see the Property Owner Affidavit signed by Arcosa Materials, Inc. (Arcosa) included in the application, showing that Arcosa explicitly supports both modifications.

2. Please provide the changes under 305.70(j) as redline/strikeout, or other method suitable to illustrate changes, and clean pages suitable for insertion into the permit.

Response:

Based on our research of the permit, there are no existing permit documents in the TCEQ's files to revise. As such, the documents submitted are stand-alone items that will become part of the permit record, redline/strikeout versions of pre-existing documents do not apply in this case. As a result, no revisions have been made in response to this comment.

3. Provide a Property Owner Affidavit in accordance with 30 TAC 330.59(d)(2) for all current property owners to address requirements for the modification under 30 TAC 305.70(j).

Response:

A property owner affidavit was provided for Arcosa in the initial submittal, which was included in Attachment A behind Form TCEQ-20650. The City is the permittee and owner of the property that will remain in the permit boundary. The 0.34-acre parcel of property along FM 3400 was previously conveyed to TXDOT for ROW, as indicated in the initial submittal. No other property owners are involved with the initial 64.71-acre permit boundary. As such, no revisions have been made in response to this comment.

4. The cover letter indicates that a 0.34-acre section of the current permit boundary would be removed from the permit boundary. This appears to indicate an area along FM 3400, but this section is not illustrated as within the permit boundary in 64.180-acre facility Boundary Survey. Ensure that a permit boundary is provided on current and proposed figures and defined in the legends.

Response:

The current and proposed boundary surveys contained in Attachments C and D do indicate that the 0.34-acre parcel of property along FM 3400 was conveyed to TXDOT as right of way. This is called out in notes on the boundary survey. A highlighted copy is included with the response for your convenience. Attachment C is the boundary survey for the current 64.18 property. Attachment D is the boundary survey and metes and bounds description for the proposed 43.482-acre permit boundary.

5. Provide certification that areas that would be removed from the permit boundary have never received waste or have been closed in accordance with the facility Closure Plan, or current rule, as applicable.

Response:

A certification statement has been added to the permit modification narrative to state that no waste was landfilled within areas that will be removed from the permit boundary.

6. Please explain how soil boring SB-51 is adequate to show that no waste is interred on the 0.77-acre Arcosa parcel. Add detail to Drawing 1 in Appendix F to illustrate the 0.34-acre State of Texas parcel and how SB-31, -44, -55, and -56 are adequate to show that no waste is interred within that parcel.

Response:

The soil boring plan in Attachment F has been revised to clearly designate the parcels owned by Arcosa (0.77-acre tract of the entire 20.7-acre tract owned by Arcosa) and State of Texas (0.34-acre) in relation to the borings that were performed. Seven soil borings (SB-44, 45, 46, 47, 48, 49, 50, and 51) were conducted along Radle Road to verify that no waste was present in the Arcosa owned 0.77-acre tract of property. Additionally, five borings (SB-8, 31, 44, 55, and 56), were conducted along the western boundary to characterize the limits of waste and verify that no waste was placed within the State of Texas owned 0.34-acre tract of the property.

Copies of these soil boring logs along with the soil boring plan were included with the original submittal. This field investigation, along with discussions with City staff and review of the permit files in the record, including the 1983 affidavit to the public

provided in the original submittal, demonstrate that no waste was placed outside the City of Waco owned property (43.482-acre tract) that represents the revised permit boundary.

7. In Attachment G, provide a landowner map and list showing the quarter-mile distance from the current permit boundary, not the proposed permit boundary.

Response:

The landownership map and list in Attachment G have been revised as requested.

8. Attachment H provides evidence of competency for the City of Waco. It is not clear that this information addresses all requirements of 30 TAC 330.59(f). Explain the purpose for this information and provide a redline/strikeout copy, or other method, to illustrate changes from the current permit.

Response:

An evidence of competency is required per the change of ownership procedures required by TCEQ. There is no existing evidence of competency in the existing permit documents (see also response to Comment 2), and as such a redline/strikeout version is not applicable or provided in response to this comment.

Additionally, a revised signatory page has been included with this response as requested in the unmarked version included in Attachment 1.

We trust that the attached is sufficient to address your comments. If you have any further comments or questions, please call Jeff Arrington at (817) 358-6111 or Ryan Kuntz at (817) 358-6117.

Sincerely,



Jeff Arrington, P.E.
Project Engineer
SCS Engineers
TBPE Registration No. F-3407



Ryan Kuntz, P.E.
Vice President / Satellite Office Manager
SCS Engineers

Attachments: As noted above

cc: Mr. Paul Cain, City of Waco
Mr. Charles Dowdell, City of Waco
Mr. Kody Petillo, City of Waco
TCEQ Region Office 9

ATTACHMENT 1

UNMARKED VERSION

November 17, 2022, revised January 18, 2023
Project No. 16222085.00

Ms. Charlie Fritz
MSW Permits Section, Waste Permits Division
Texas Commission on Environmental Quality
12100 Park 35 Circle Building F
Austin, Texas 78753

Subject: City of Waco Landfill – Permit No. MSW-1039
Municipal Solid Waste (MSW) – McLennan County
Permit Modification to Remove Property from the Permit Boundary of the Closed
Landfill and Update to Permit Owner
RN106117625 / CN600131940

Dear Ms. Fritz:

On the behalf of the City of Waco (City), SCS Engineers (SCS) is requesting a permit modification for the City of Waco Landfill, TCEQ Permit No. MSW-1039 (landfill) in McLennan County in accordance with Texas Administration Code (TAC) §305.70(k)(13) and (j)(14). This permit modification is being requested in order to accomplish the following:

- Remove Arcosa Materials, Inc. (Arcosa, formerly Neely Sand and Gravel) from MSW Permit 1039 leaving the City of Waco as the sole owner of the landfill property and permit.
- Modify the permit boundary of the closed landfill to reflect the correct acreage of the property that was used as an MSW landfill by removing parcels that are not owned by the City of Waco, including approximately 20.7 acres owned by Arcosa and 0.34 acres owned by the State of Texas.

As such, this permit modification will correct the record regarding the landfill permit boundary and associated acreage. This is submitted as a permit modification requiring public notice. This letter request contains the background information and describes the requested changes to the permit boundary. We have attached supporting documents to clarify and support the request. These include:

- Attachment A contains Form TCEQ-20650, related to Permit/Registration Modification and Temporary Authorization Application Form for an MSW Facility, as well as the property owner affidavit from Arcosa, and which includes the chain of title showing that Arcosa is the successor to Neely Sand and Gravel.
- Attachment B contains an updated Core Data Form (TCEQ-10400).
- Attachment C contains a recent boundary survey for the current permit boundary.
- Attachment D contains a new metes and bound survey and legal description for the revised permit boundary requested by this permit modification.
- Attachment E is the current Permit and Affidavit to the Public filed by the City of Waco for the 44.74 acre landfill tract.
- Attachment F is the Soil Boring Plan and boring logs for selected locations along the southern and western boundary of the landfill permit boundary.
- Attachment G is the Landowners Map and List.
- Attachment H is the Evidence of Competency.

BACKGROUND AND SUMMARY OF REQUESTED CHANGES

The landfill is a closed landfill in post-closure care located on South University Drive (Farm-to-Market [FM] 3400), in Waco, Texas. The current permit boundary for the landfill is comprised of 64.71 acres, of which approximate 44.74 acres of the permit boundary was used for MSW disposal (see Attachment E – Permit and Affidavit to the Public with deed record of portion of land used for landfilling operations). The property owner affidavit describes the property ownership (see Attachment A), including the portion of the permit boundary that is outside of the disposal area that is owned by a separate entity (Arcosa). A recent boundary survey was performed for the landfill (see Attachment C), which shows the location and acreage of the parcels owned by City of Waco, Arcosa, and State of Texas that comprised the 64.71 permit boundary within the existing permit.

Specifically, this permit modification requests the removal of approximately 20.7 acres that is currently owned by Arcosa and 0.34 acres conveyed to State of Texas (Texas Department of Transportation, TXDOT) from the landfill permit boundary. The 20.7-acre and 0.34-acre parcels were not used for landfill disposal as demonstrated herein. Additionally, there is a small difference identified (survey error) between the historical permit boundary survey for the landfill and the more recent permit boundary survey prepared for this application.

Based on the proposed revisions to the permit boundary, the permit boundary for the landfill should reflect a total area of 43.482 acres as depicted on the metes and bound survey and legal description provided in Attachment D. In addition to the survey documents, we have included partial results from a recent subsurface investigation (Subchapter T request, approved by TCEQ on September 16, 2022, revised on October 6, 2022) that verify no waste was landfilled in the areas that are being removed from the permit boundary, as described below.

Additionally, this permit modification requests that Arcosa be removed from the permit as one of the owners, leaving the City of Waco as the sole owner of the closed landfill, TCEQ Permit No. MSW-1039.

Removal of 20.7-Acre Arcosa Property

The 20.7-acre parcel located along the south and southeast corner of the permit boundary that forms a wedge and panhandle shape, respectively, is being removed from the permit boundary as it was not used for waste disposal. The City filed an affidavit to the public in 1983 that describes the 44.74-acre landfill tract that was used for waste disposal and the 20.7 acres tract was excluded from the legal description of this affidavit, with the exception of approximately 0.77 acres to the south (wedge portion of this parcel). This property was originally owned by the Neely Sand and Gravel Company (Transit Mix Concrete and Materials) and Arcosa is the current owner.

Survey Adjustments to the Landfill Boundary

A boundary survey of the permitted area of the landfill was performed in 2022 (see Attachments C). The resulting boundary consists of 64.18 acres, including the 20.7-acre Arcosa property and excluding the 0.34-acre parcel conveyed to TXDOT. The original permit indicates the permit boundary is 64.71 acres and the 1983 affidavit to the public is for a 44.74-acre landfill tract (see Attachment E). The boundary survey contained in Attachment C depicts the small differences in the recent survey as compared to the historical permit documents, including 0.34-acre sliver along the western boundary parallel to FM-3400, which was conveyed to TXDOT for FM-3400 right-of-way (ROW) and 0.182-acre

sliver on the eastern boundary, which appears to be associated with a survey error from the historical boundary survey. These changes, including the removal of the 20.7-acre Arcosa parcel, will result in a landfill permit boundary 43.482 acres that is entirely owned by the City of Waco, as reflected in the new metes and boundary survey included in Attachment D.

Verification and Certification of No Waste within Arcosa (0.77-acre area) and TXDOT ROW (0.34-acre) Portions of the Property along Southern and Western Boundaries

As part of the recent subsurface investigation performed in October 2022, several shallow soil borings were performed along the southern property line to verify that no waste was landfilled in the area that will be removed from the permit boundary. Attachment F contains copies of the soil borings 31, 44 - 51, 55, and 56 along with the Soil Boring Plan. Based on these borings, no waste was encountered in the 0.77-acre area of Arcosa's property along the southern boundary (wedge portion of the property, see boring logs 44 - 51). Soil borings were also performed along the western boundary that indicated no waste was found at the 0.34-acre parcel conveyed to TxDOT along the existing FM-3400 ROW (see boring logs 31, 44, 55, and 56).

Based on the subsurface investigations, discussions with City staff, and review of the permit files and site visits, we certify that no waste was landfilled within the above described 20.7-acre parcel, including 0.77-acre parcel, owned by Arcosa, and 0.34-acre parcel owned by the State of Texas.

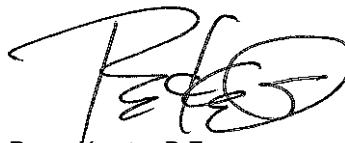
Lastly, in accordance with 30 TAC §330.59(h)(1), SCS has remitted payment of the \$150.00 application fee through e-Pay (see attached receipt).

If you have any questions related to the above described permit modification, please feel free to contact Mr. Ryan Kuntz, P.E. at 817-358-6117.

Sincerely,



Jeff Arrington, P.E.
Project Engineer
SCS Engineers
TBPE Registration No. F-3407



Ryan Kuntz, P.E.
Vice President / Satellite Office Manager
SCS Engineers

Enclosures: Attachments A through D

Cc: Mr. Charles Dowdell, City of Waco
Mr. Kody Petillo, City of Waco
TCEQ Regional Office 9

ATTACHMENT A

**TCEQ FORM TCEQ-20650, E-PAY RECEIPT, AND PROPERTY OWNER
AFFIDAVIT**



Texas Commission on Environmental Quality

Application Form for Municipal Solid Waste Permit or Registration Modification or Temporary Authorization

Application Tracking Information

Facility Name: City of Waco Landfill

Permittee or Registrant Name: City of Waco

MSW Authorization Number: 1039

Initial Submission Date: 11/17/2022

Revision Date: 1/20/2023

Instructions for completing this form are provided in [form TCEQ-20650-instr](#)¹. If you have questions, contact the Municipal Solid Waste Permits Section by email to mswper@tceq.texas.gov, or by phone at 512-239-2335.

Application Data

1. Submission Type

☒ Initial Submission ☒ Notice of Deficiency (NOD) Response

2. Authorization Type

☒ Permit ☐ Registration

3. Application Type

☐ Modification with Public Notice ☐ Modification without Public Notice

☐ Temporary Authorization (TA) ☒ Modification for Name Change or Transfer

4. Application Fee

Amount

The application fee for a modification or temporary authorization is \$150.

Payment Method

☐ Check

☒ Online through ePay portal www3.tceq.texas.gov/epay/

If paid online, enter ePay Trace Number: 582EA000513182

¹ www.tceq.texas.gov/downloads/permitting/waste-permits/msw/forms/20650-instr.pdf

5. Application URL

For modifications that require notice (other than those for arid exempt landfills), provide the URL address of a publicly accessible internet web site where the application and all revisions to the application will be posted:

https://www.waco-texas.com/Transfer-Station-Permitting

6. Party Responsible for Mailing Notice

For modifications that require notice, indicate who will be responsible for mailing notice:

☐ Applicant

☐ Agent in Service

☒ Consultant

Contact Name: SCS Engineers, Ryan Kuntz

Title: Vice President

Email Address: rkuntz@scsengineers.com

7. Confidential Documents

Does the application contain confidential documents?

☐ Yes ☒ No

If "Yes", reference the confidential documents in the application, but submit the confidential documents as an attachment in a separate binder marked "CONFIDENTIAL."

8. Facility General Information

Facility Name: City of Waco Landfill

Contact Name: Kody Petillo

Title: Director of Solid Waste

MSW Authorization Number (if existing): 1039

Regulated Entity Reference Number: **RN** 106117625

Physical or Street Address: S University Parks Drive

City: Waco

County: McLennan

State: TX

Zip Code: 76712

Phone Number: 254-299-2623

Latitude (Degrees, Minutes Seconds): N 31°29'52"

Longitude (Degrees, Minutes Seconds): W 97°04'51"

9. Facility Types

☒ Type I

☐ Type IV

☐ Type V

☐ Type IAE

☐ Type IVAE

☐ Type VI

10. Description of the Revisions to the Facility

Provide a brief description of revisions to permit or registration conditions and supporting documents referred to by the permit or registration, and a reference to the specific provisions under which the modification or temporary authorization application is being made. Also, provide an explanation of why the modification or temporary authorization is needed:

Permit modification in accordance with Texas Administration Code (TAC) §305.70(k)(13) and 305.70(j)(14) to remove Neely Sand and Gravel, Inc. from the permit revise the permit boundary to reflect the area of landfill on property owned by the City of Waco.

11. Facility Contact Information

Site Operator (Permittee or Registrant)

Name: City of Waco

Customer Reference Number: **CN** 600131940

Contact Name: Kody Pettilo Title: Director of Solid Waste

Mailing Address: P.O. Box 2570

City: Waco County: McLennan State: TX Zip Code: 76702

Phone Number: 254-750-6627

Email Address: KodyP@wacotx.gov

Texas Secretary of State (SOS) Filing Number: _____

Operator (if different from Site Operator)

Name: Same as Site Operator

Customer Reference Number: **CN** _____

Contact Name: _____ Title: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Texas Secretary of State (SOS) Filing Number: _____

Consultant (if applicable)

Firm Name: SCS Engineers
Consultant Name: Jeffery Arrington, P.E.
Texas Board of Professional Engineers Firm Registration Number: F-3407
Contact Name: Jeffery Arrington, P.E. Title: Project Manager
Mailing Address: 1901 Central Drive, Suite 550
City: Bedford County: Tarrant State: TX Zip Code: 76021
Phone Number: (817) 358-6111
Email Address: JArrington@scsengineers.com

Agent in Service (required for out-of-state applicants)

Name: _____
Mailing Address: _____
City: _____ County: _____ State: TX Zip Code: _____
Phone Number: _____
Email Address: _____

12. Ownership Status of the Facility

Is this a modification that changes the legal description, the property owner, or the Site Operator (Permittee or Registrant)?

☒ Yes ☐ No

If the answer is "No", skip this section.

Does the Site Operator (Permittee or Registrant) own all the facility units and all the facility property?

☒ Yes ☐ No

If "No", provide the following information for other owners.

Owner Name: _____
Mailing Address: _____
City: _____ County: _____ State: TX Zip Code: _____
Phone Number: _____
Email Address: _____

Signature Page

Site Operator or Authorized Signatory

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SKR Name: Bradley Ford Title: City Manager
Email Address: bradleyf@wacotx.gov
Signature: [Signature] Date: 1/24/23

Operator or Principal Executive Officer Designation of Authorized Signatory

To be completed by the operator if the application is signed by an authorized representative for the operator.

I hereby designate _____ as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

Operator or Principal Executive Officer Name: _____
Email Address: _____
Signature: _____ Date: _____

Notary

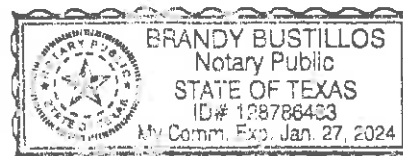
SUBSCRIBED AND SWORN to before me by the said Bradley Ford

On this 24 day of January, 2023

My commission expires on the 27 day of January, 2024

Brandy Bustillos

Notary Public in and for
McLennan County, Texas



Note: Application Must Bear Signature and Seal of Notary Public

Attachments for Permit or Registration Name Change or Transfer Modification

Refer to instruction document **200650-instr** for professional engineer seal requirements.

Attachments Table 5. Required attachments.

Required Attachments	Attachment Number
TCEQ Core Data Form(s)	B
Property Legal Description	D
Property Metes and Bounds Description	D
Metes and Bounds Drawings	D
On-Site Easements Drawing	D
Land Ownership Map	G
Land Ownership List	G
Property Owner Affidavit	A
Verification of Legal Status	NA
Evidence of Competency	H

Attachments Table 6. Additional attachments as applicable.

Additional Attachments as Applicable (select all that apply and add others as needed)	Attachment Number
<input type="checkbox"/> Signatory Authority Delegation	
<input checked="" type="checkbox"/> Fee Payment Receipt	A
<input type="checkbox"/> Confidential Documents	
<input type="checkbox"/> Final Plat Record of Property	
<input type="checkbox"/> Assumed Name Certificate	



ATTACHMENT F

SOIL BORING PLAN AND BORING LOGS

1/19/2023 1:24 PM C:\WACO\16221085.00 Task 23 - On Call Eng\WACO\1039 TS - SITE LAYOUT



LEGEND

- CURRENT PERMIT BOUNDARY (64.71 ACRES)
- CITY OWNED PROPERTY (FUTURE PERMIT BOUNDARY, 43.48 ACRES)
- - - - - APPROX. LIMITS OF WASTE (SEE NOTE 3)
- 210' X 210' GRID
- 400 --- EXISTING GRADE CONTOURS (SEE NOTE 1)
- x 410.3 --- EXISTING GRADE SPOT ELEVATIONS
- x --- EXISTING FENCE
- SB-33 --- PROPOSED SHALLOW BORING
- ▲ DB-1 --- PROPOSED DEEP BORING

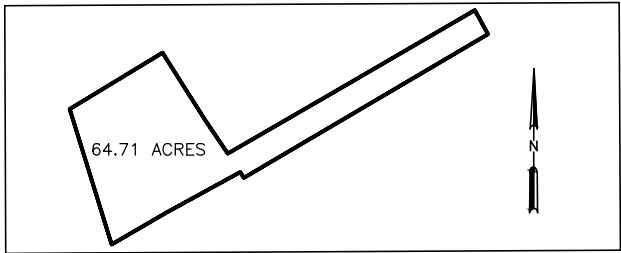
NOTE:

- EXISTING GRADE CONTOURS WERE OBTAINED FROM AN AERIAL SURVEY PERFORMED IN 2022 BY WALKER PARTNERS.
- AERIAL PHOTO OBTAINED FROM GOOGLE EARTH IN MAY, 2021.
- APPROXIMATE LIMITS OF WASTE ARE ASSUMED TO BE 50' OFFSET FROM THE 44.74 ACRE PROPERTY BOUNDARY WHERE WASTE DISPOSAL TOOK PLACE.



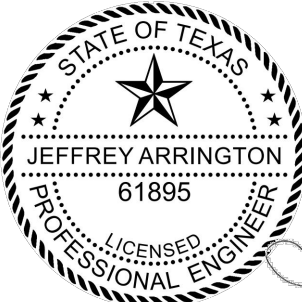
LOCATION MAP

SCALE: 1" = 8000'



PERMIT BOUNDARY INSET

SCALE: 1" = 1000'



01/19/2023

FOR PERMITTING PURPOSES ONLY

REV	DATE	DESCRIPTION
1	01/19/23	RESPONSE TO NO. 2: ADDED ADJACENT PROPERTY OWNERSHIP INFORMATION

DRAWING TITLE	SOIL BORING PLAN
PROJECT TITLE	CITY OF WACO TCEQ PERMIT NO. MSW - 1039 MSW PERMIT MODIFICATION

CLIENT	CITY OF WACO - MSW 1039 6165 - 5733 FM 3400 WACO, TEXAS, 76706
--------	--

SCS ENGINEERS	STEARNIS, CONRAD AND SCHMIDT CONSULTING ENGINEERS 1901 CENTRAL DRIVE, SUITE 550, BEDFORD, TX 76021 PH (817) 571-2288 FAX NO. (817) 571-2188
PHOTO: 2/2/2018, 0.00	DRAWN BY: BCC CHECKED BY: JA APP. BY: JA

CADD FILE: 1039 TS - SITE LAYOUT
DATE: 01/2023
SCALE: AS SHOWN
DRAWING NO.

ATTACHMENT G
LANDOWNERS MAP AND LIST

1.	City of Waco Attn: Property Management P.O. Box 2570 Waco, TX 76720	2.	DBA Loreda Trucking 1551 Old Bethany Road Bruceville, TX 76630	3.	Andrew James Et Al Heir 650 Jerico Road Waco, TX 76706
4.	Balderas, Julian 445 Radle Road Waco, TX 76706	5.	Balderas, Julian 445 Radle Road Waco, TX 76706	6.	Ware, Lisa M 499 Radle Road Waco, X 76706
7.	Ware, George D & Lisa 499 Radle Road Waco, X 76706	8.	Brandon Mary Louise 525 Radle Road Waco, TX 76706	9.	Brandon Barrett Lee 525 Radle Road Waco, TX 76706
10.	Wiley, Kenneth 3309 Robinson Drive Apt 504 Waco, TX 76706	11.	Wiley, Lula Margaret Etvir 577 Radle Road Waco, TX 76706	12.	Wiley, Freddie 577 Radle Road Waco, TX 76706
13.	Holmes Ida Mae 2728 Madison Drive Waco, TX 76706	14.	Anderson, Mike 123 M J R Road Waco, TX 76706	15.	Anderson, Michael Ray Etux 123 M J R Road Waco, TX 76706
16.	Transit Mix Concrete & Materials Co 2525 N Stemmons Fwy Dallas, TX 75207	17.	Transit Mix Concrete & Materials Co 2525 N Stemmons Fwy Dallas, TX 75207	18.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661
19.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661	20.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661	21.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661
22.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661	23.	Trinity Materials Inc P.O Box 373 Ferris, TX 75125	24.	Lushaj Dyzet & Cindy 7506 Ledbetter Road Arlington, TX 76001
25.	Dona & Wayland Howard Parks 7448 Yolanda Drive Ft Worth, TX 76112	26.	Naegeli Stephen B & Lori A 1315 Carnation Street Katy, TX 77493	27.	Luna Alfonso P.O. Box 205 Waco, TX 76703
28.	H W H Company P.O. Box 1086 Hewitt, TX 76643	29.	Holzman Walter Richard Jr Etal 2824 Washington Street Waco, TX 76710	30.	3C Mechanical Technologies Inc 538 Jancy Street Robinson, TX 76706
31.	Andrew James 650 Jerico Road Waco, TX 76706	32.	Richard Gilmore & Susana Garcia-Gilmore P.O. Box 366 Waco, TX 76703	33.	Alfredo Etux Rojo 611 S 17 th Street Waco, TX 76706

34.	Alfredo Rojo 611 S 17 th Street Waco, TX 76706	35.	Leonel Martinez Olalde 6026 S 3 rd Street Waco, TX 76706	36.	Jerry Swindall 6046 S 3 rd Street Road aco, TX 76706
37.	Michael Don Ayers 6096 S 3 rd Street Road Waco, TX 76706	38.	Michael Don Ayers 6096 S 3 rd Street Road Waco, TX 76706	39.	Johnny L Black 781 Radle Road Waco, TX 76706
40.	Mary R Lopez 4536 Catto Avenue Waco, TX 76710	41.	Terry Haberman 2601 Alvin Drive Waco, TX 76708	42.	U S A Address not available ¹
43.	Kenny Lyn Baker 5831 S 3 rd Street Road Waco, TX 76706	44.	Shellborn Holdings LLC 406 N 40 th Street Waco, TX 76710	45.	Mark & Penne Jackson 1420 Old Steinbeck Road Waco, TX 76708
46.	Mark & Penne Jackson 1420 Old Steinbeck Road Waco, TX 76708	47.	Mark & Penne Jackson 1420 Old Steinbeck Road Waco, TX 76708	48.	Richard Armstrong 6425 S 3 rd Street Road Waco, TX 76706
49.	Richard Armstrong 6425 S 3 rd Street Road Waco, TX 76706	50.	Richard Armstrong 6425 S 3 rd Street Road Waco, TX 76706	51.	Mark & Penne Jackson 1420 Old Steinbeck Road Waco, TX 76708
52.	Vivian K Griffin 151 Riverview Road Waco, TX 76706	53.	Transit Mix Concrete & Materials Co 2525 N Stemmons Fwy Dallas, TX 75207	54.	Emily New 6460 S 3 rd Street Waco, TX 76706
55.	Darwin Watson 2500 FM 2452 Corsicana, TX 75110	56.	Central Texas Skiers LLC Darwin Watson 2500 FM 2452 Corsicana, TX 75110		

Note:

- 1) Based on discussions with McLennan County Appraisal District, no ownership or address records are available for this property.

ATTACHMENT 2
MARKED VERSION

November 17, 2022, revised January 18, 2023
Project No. 16222085.00

Ms. Charlie Fritz
MSW Permits Section, Waste Permits Division
Texas Commission on Environmental Quality
12100 Park 35 Circle Building F
Austin, Texas 78753

Subject: City of Waco Landfill – Permit No. MSW-1039
Municipal Solid Waste (MSW) – McLennan County
Permit Modification to Remove Property from the Permit Boundary of the Closed
Landfill and Update to Permit Owner
RN106117625 / CN600131940

Dear Ms. Fritz:

On the behalf of the City of Waco (City), SCS Engineers (SCS) is requesting a permit modification for the City of Waco Landfill, TCEQ Permit No. MSW-1039 (landfill) in McLennan County in accordance with Texas Administration Code (TAC) §305.70(k)(13) and (j)(14). This permit modification is being requested in order to accomplish the following:

- Remove Arcosa Materials, Inc. (Arcosa, formerly Neely Sand and Gravel) from MSW Permit 1039 leaving the City of Waco as the sole owner of the landfill property and permit.
- Modify the permit boundary of the closed landfill to reflect the correct acreage of the property that was used as an MSW landfill by removing parcels that are not owned by the City of Waco, including approximately 20.7 acres owned by Arcosa and 0.34 acres owned by the State of Texas.

As such, this permit modification will correct the record regarding the landfill permit boundary and associated acreage. This is submitted as a permit modification requiring public notice. This letter request contains the background information and describes the requested changes to the permit boundary. We have attached supporting documents to clarify and support the request. These include:

- Attachment A contains Form TCEQ-20650, related to Permit/Registration Modification and Temporary Authorization Application Form for an MSW Facility, as well as the property owner affidavit from Arcosa, and which includes the chain of title showing that Arcosa is the successor to Neely Sand and Gravel.
- Attachment B contains an updated Core Data Form (TCEQ-10400).
- Attachment C contains a recent boundary survey for the current permit boundary.
- Attachment D contains a new metes and bound survey and legal description for the revised permit boundary requested by this permit modification.
- Attachment E is the current Permit and Affidavit to the Public filed by the City of Waco for the 44.74 acre landfill tract.
- Attachment F is the Soil Boring Plan and boring logs for selected locations along the southern and western boundary of the landfill permit boundary.
- Attachment G is the Landowners Map and List.
- Attachment H is the Evidence of Competency.

BACKGROUND AND SUMMARY OF REQUESTED CHANGES

The landfill is a closed landfill in post-closure care located on South University Drive (Farm-to-Market [FM] 3400), in Waco, Texas. The current permit boundary for the landfill is comprised of 64.71 acres, of which approximate 44.74 acres of the permit boundary was used for MSW disposal (see Attachment E – Permit and Affidavit to the Public with deed record of portion of land used for landfilling operations). The property owner affidavit describes the property ownership (see Attachment A), including the portion of the permit boundary that is outside of the disposal area that is owned by a separate entity (Arcosa). A recent boundary survey was performed for the landfill (see Attachment C), which shows the location and acreage of the parcels owned by City of Waco, Arcosa, and State of Texas that comprised the 64.71 permit boundary within the existing permit.

Specifically, this permit modification requests the removal of approximately 20.7 acres that is currently owned by Arcosa and 0.34 acres conveyed to State of Texas (Texas Department of Transportation, TXDOT) from the landfill permit boundary. The 20.7-acre and 0.34-acre parcels were not used for landfill disposal as demonstrated herein. Additionally, there is a small difference identified (survey error) between the historical permit boundary survey for the landfill and the more recent permit boundary survey prepared for this application.

Based on the proposed revisions to the permit boundary, the permit boundary for the landfill should reflect a total area of 43.482 acres as depicted on the metes and bound survey and legal description provided in Attachment D. In addition to the survey documents, we have included partial results from a recent subsurface investigation (Subchapter T request, approved by TCEQ on September 16, 2022, revised on October 6, 2022) that verify no waste was landfilled in the areas that are being removed from the permit boundary, as described below.

Additionally, this permit modification requests that Arcosa be removed from the permit as one of the owners, leaving the City of Waco as the sole owner of the closed landfill, TCEQ Permit No. MSW-1039.

Removal of 20.7-Acre Arcosa Property

The 20.7-acre parcel located along the south and southeast corner of the permit boundary that forms a wedge and panhandle shape, respectively, is being removed from the permit boundary as it was not used for waste disposal. The City filed an affidavit to the public in 1983 that describes the 44.74-acre landfill tract that was used for waste disposal and the 20.7 acres tract was excluded from the legal description of this affidavit, with the exception of approximately 0.77 acres to the south (wedge portion of this parcel). This property was originally owned by the Neely Sand and Gravel Company (Transit Mix Concrete and Materials) and Arcosa is the current owner.

Survey Adjustments to the Landfill Boundary

A boundary survey of the permitted area of the landfill was performed in 2022 (see Attachments C). The resulting boundary consists of 64.18 acres, including the 20.7-acre Arcosa property and excluding the 0.34-acre parcel conveyed to TXDOT. The original permit indicates the permit boundary is 64.71 acres and the 1983 affidavit to the public is for a 44.74-acre landfill tract (see Attachment E). The boundary survey contained in Attachment C depicts the small differences in the recent survey as compared to the historical permit documents, including 0.34-acre sliver along the western boundary parallel to FM-3400, which was conveyed to TXDOT for FM-3400 right-of-way (ROW) and 0.182-acre

sliver on the eastern boundary, which appears to be associated with a survey error from the historical boundary survey. These changes, including the removal of the 20.7-acre Arcosa parcel, will result in a landfill permit boundary 43.482 acres that is entirely owned by the City of Waco, as reflected in the new metes and boundary survey included in Attachment D.

Verification and Certification of No Waste within Arcosa (0.77-acre area) and TXDOT ROW (0.34-acre) Portions of the Property along Southern and Western Boundaries

As part of the recent subsurface investigation performed in October 2022, several shallow soil borings were performed along the southern property line to verify that no waste was landfilled in the area that will be removed from the permit boundary. Attachment F contains copies of the soil borings 31, 44 - 51, 55, and 56 along with the Soil Boring Plan. Based on these borings, no waste was encountered in the 0.77-acre area of Arcosa's property along the southern boundary (wedge portion of the property, see boring logs 44 - 51). Soil borings were also performed along the western boundary that indicated no waste was found at the 0.34-acre parcel conveyed to TxDOT along the existing FM-3400 ROW (see boring logs 31, 44, 55, and 56).

Based on the subsurface investigations, discussions with City staff, and review of the permit files and site visits, we certify that no waste was landfilled within the above described 20.7-acre parcel, including 0.77-acre parcel, owned by Arcosa, and 0.34-acre parcel owned by the State of Texas.

Lastly, in accordance with 30 TAC §330.59(h)(1), SCS has remitted payment of the \$150.00 application fee through e-Pay (see attached receipt).

If you have any questions related to the above described permit modification, please feel free to contact Mr. Ryan Kuntz, P.E. at 817-358-6117.

Sincerely,



Jeff Arrington, P.E.
Project Engineer
SCS Engineers
TBPE Registration No. F-3407



Ryan Kuntz, P.E.
Vice President / Satellite Office Manager
SCS Engineers

Enclosures: Attachments A through D

Cc: Mr. Charles Dowdell, City of Waco
Mr. Kody Petillo, City of Waco
TCEQ Regional Office 9

ATTACHMENT C
CURRENT BOUNDARY SURVEY

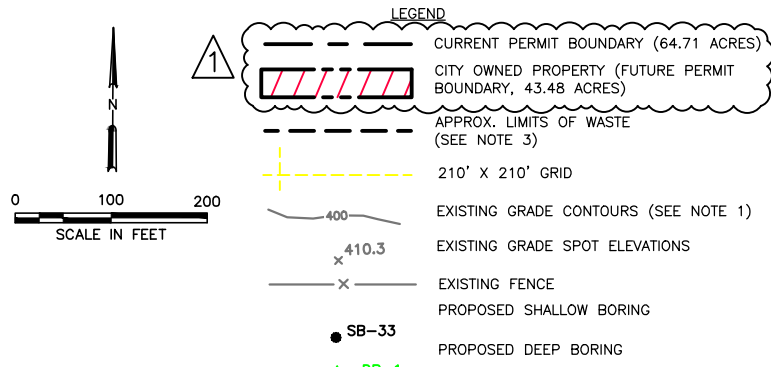




ATTACHMENT F

SOIL BORING PLAN AND BORING LOGS

1/19/2023 1:24 PM C:\WACO\16221085.00 Task 23 - On Call Eng\WACO\1039 TS - SITE LAYOUT

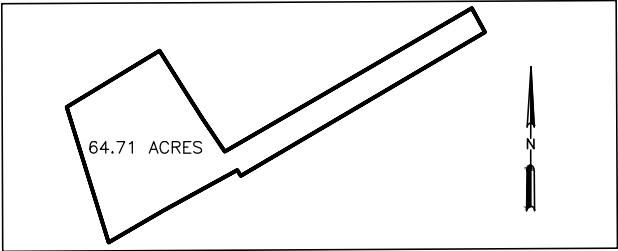


- NOTE:
- EXISTING GRADE CONTOURS WERE OBTAINED FROM AN AERIAL SURVEY PERFORMED IN 2022 BY WALKER PARTNERS.
 - AERIAL PHOTO OBTAINED FROM GOOGLE EARTH IN MAY, 2021.
 - APPROXIMATE LIMITS OF WASTE ARE ASSUMED TO BE 50' OFFSET FROM THE 44.74 ACRE PROPERTY BOUNDARY WHERE WASTE DISPOSAL TOOK PLACE.



LOCATION MAP

SCALE: 1" = 8000'



PERMIT BOUNDARY INSET

SCALE: 1" = 1000'



01/19/2023

FOR PERMITTING PURPOSES ONLY

REV	DATE	DESCRIPTION
1	01/19/23	RESPONSE TO NOI: ADDED ADJACENT PROPERTY OWNERSHIP INFORMATION

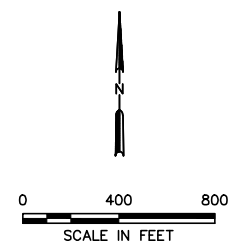
DRAWING TITLE
SOIL BORING PLAN
PROJECT TITLE
CITY OF WACO TCEQ PERMIT NO. MSW - 1039 MSW PERMIT MODIFICATION






CITY OF WACO - MSW 1039
6165 - 5733 FM 3400
WACO, TEXAS, 76706

CLIENT
CITY OF WACO - MSW 1039
SCS ENGINEERS
STEARNS, CONRAD AND SCHMIDT CONSULTING ENGINEERS 1901 CENTRAL DRIVE, SUITE 550, BEDFORD, TX 76021 PH (817) 571-2288 FAX NO. (817) 571-2188
DATE: 01/19/2023
BY: JAA
CHECKED: BCC
APPROVED: JAA

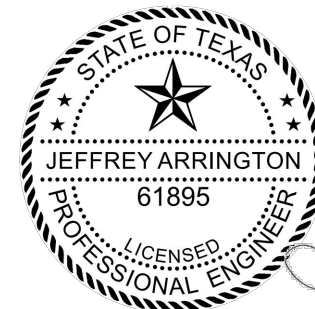
CADD FILE: 1039 TS - SITE LAYOUT
DATE: 01/2023
SCALE: AS SHOWN
DRAWING NO.

ATTACHMENT G
LANDOWNERS MAP AND LIST



-  CURRENT PERMIT BOUNDARY (64.71 ACRES)
 CITY OWNED PROPERTY (FUTURE PERMIT BOUNDARY, 43.48 ACRES)
 ADJACENT PROPERTY BOUNDARY (SEE NOTE 1)
 1/4 MILE RADIUS FROM FUTURE PERMIT BOUNDARY
97°04'10" LATITUDE/LONGITUDE LINES
 LANDOWNER PROPERTY (SEE LANDOWNER'S LIST)

1. PROPERTY OWNERSHIP INFORMATION WITHIN 1/4 MILE OF FUTURE BOUNDARY WAS OBTAINED FROM MCCLENNAN COUNTY APPRAISAL DISTRICT PROPERTY RECORDS AT WWW.MCCLENNANCAD.ORG.
2. LANDOWNER PROPERTY BOUNDARIES INDICATED ARE APPROXIMATE.



<div style="text-align: center;"> SCS ENGINEERS STEARNS, CONRAD AND SCHMIDT CONSULTING ENGINEERS 1901 CENTRAL DRIVE, SUITE 550, BEDFORD, TX 76021 PH (817) 571-2288 FAX NO. (817) 571-2188 </div>	CITY OF WACO - MSW 1039 6165 - 5733 FM 3400 WACO, TEXAS, 76706		CLIENT	<div style="text-align: center;"> LANDOWNERS MAP CITY OF WACO TCEQ PERMIT NO. MSW - 1039 MSW PERMIT MODIFICATION </div>
	CADD FILE: 1039 LAND OWNERSHIP MAP (1.5.2023)	DATE: 01/2023		
SCALE: AS SHOWN		DRAWING NO. 1		

1.	City of Waco Attn: Property Management P.O. Box 2570 Waco, TX 76720	2.	DBA Loreda Trucking 1551 Old Bethany Road Bruceville, TX 76630	3.	Andrew James Et Al Heir 650 Jerico Road Waco, TX 76706
4.	Balderas, Julian 445 Radle Road Waco, TX 76706	5.	Balderas, Julian 445 Radle Road Waco, TX 76706	6.	Ware, Lisa M 499 Radle Road Waco, X 76706
7.	Ware, George D & Lisa 499 Radle Road Waco, X 76706	8.	Brandon Mary Louise 525 Radle Road Waco, TX 76706	9.	Brandon Barrett Lee 525 Radle Road Waco, TX 76706
10.	Wiley, Kenneth 3309 Robinson Drive Apt 504 Waco, TX 76706	11.	Wiley, Lula Margaret Etvir 577 Radle Road Waco, TX 76706	12.	Wiley, Freddie 577 Radle Road Waco, TX 76706
13.	Holmes Ida Mae 2728 Madison Drive Waco, TX 76706	14.	Anderson, Mike 123 M J R Road Waco, TX 76706	15.	Anderson, Michael Ray Etux 123 M J R Road Waco, TX 76706
16.	Transit Mix Concrete & Materials Co 2525 N Stemmons Fwy Dallas, TX 75207	17.	Transit Mix Concrete & Materials Co 2525 N Stemmons Fwy Dallas, TX 75207	18.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661
19.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661	20.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661	21.	Radle, Bobby R 817 Val Verde Place Marlin, TX 76661
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25.	Dona & Wayland Howard Parks 7448 Yolanda Drive Ft Worth, TX 76112	26.	Naegeli Stephen B & Lori A 1315 Carnation Street Katy, TX 77493	27.	Luna Alfonso P.O. Box 205 Waco, TX 76703
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31.	<u>Andrew James</u> <u>650 Jerico Road</u> <u>Waco, TX 76706</u>	32.	<u>Richard Gilmore &</u> <u>Susana Garcia-Gilmore</u> <u>P.O. Box 366</u> <u>Waco, TX 76703</u>	33.	<u>Alfredo Etux Rojo</u> <u>611 S 17th Street</u> <u>Waco, TX 76706</u>

<u>34.</u>	<u>Alfredo Rojo</u> <u>611 S 17th Street</u> <u>Waco, TX 76706</u>	<u>35.</u>	<u>Leonel Martinez Olalde</u> <u>6026 S 3rd Street</u> <u>Waco, TX 76706</u>	<u>36.</u>	<u>Jerry Swindall</u> <u>6046 S 3rd Street Road</u> <u>aco, TX 76706</u>
<u>37.</u>	<u>Michael Don Ayers</u> <u>6096 S 3rd Street Road</u> <u>Waco, TX 76706</u>	<u>38.</u>	<u>Michael Don Ayers</u> <u>6096 S 3rd Street Road</u> <u>Waco, TX 76706</u>	<u>39.</u>	<u>Johnny L Black</u> <u>781 Radle Road</u> <u>Waco, TX 76706</u>
<u>40.</u>	<u>Mary R Lopez</u> <u>4536 Catto Avenue</u> <u>Waco, TX 76710</u>	<u>41.</u>	<u>Terry Haberman</u> <u>2601 Alvin Drive</u> <u>Waco, TX 76708</u>	<u>42.</u>	<u>U S A</u> <u>Address not available¹</u>
<u>43.</u>	<u>Kenny Lyn Baker</u> <u>5831 S 3rd Street Road</u> <u>Waco, TX 76706</u>	<u>44.</u>	<u>Shellborn Holdings LLC</u> <u>406 N 40th Street</u> <u>Waco, TX 76710</u>	<u>45.</u>	<u>Mark & Penne Jackson</u> <u>1420 Old Steinbeck</u> <u>Road</u> <u>Waco, TX 76708</u>
<u>46.</u>	<u>Mark & Penne Jackson</u> <u>1420 Old Steinbeck</u> <u>Road</u> <u>Waco, TX 76708</u>	<u>47.</u>	<u>Mark & Penne Jackson</u> <u>1420 Old Steinbeck Road</u> <u>Waco, TX 76708</u>	<u>48.</u>	<u>Richard Armstrong</u> <u>6425 S 3rd Street Road</u> <u>Waco, TX 76706</u>
<u>49.</u>	<u>Richard Armstrong</u> <u>6425 S 3rd Street Road</u> <u>Waco, TX 76706</u>	<u>50.</u>	<u>Richard Armstrong</u> <u>6425 S 3rd Street Road</u> <u>Waco, TX 76706</u>	<u>51.</u>	<u>Mark & Penne Jackson</u> <u>1420 Old Steinbeck</u> <u>Road</u> <u>Waco, TX 76708</u>
<u>52.</u>	<u>Vivian K Griffin</u> <u>151 Riverview Road</u> <u>Waco, TX 76706</u>	<u>53.</u>	<u>Transit Mix Concrete &</u> <u>Materials Co</u> <u>2525 N Stemmons Fwy</u> <u>Dallas, TX 75207</u>	<u>54.</u>	<u>Emily New</u> <u>6460 S 3rd Street</u> <u>Waco, TX 76706</u>
<u>55.</u>	<u>Darwin Watson</u> <u>2500 FM 2452</u> <u>Corsicana, TX 75110</u>	<u>56.</u>	<u>Central Texas Skiers</u> <u>LLC</u> <u>Darwin Watson</u> <u>2500 FM 2452</u> <u>Corsicana, TX 75110</u>		

Note:

1) Based on discussions with McLennan County Appraisal District, no ownership or address records are available for this property.