

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 26, 2023

Bradley Ford, City Manager
City of Waco
P.O. Box 2570
Waco, Texas 76702

RE: City of Waco
Permit No. 62050

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has acted on the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the ED's action became effective on the date the ED signed the permit or other action. A copy of the final action is enclosed and cites the effective date.

For certain matters, a **motion to overturn**, which is a request that the commission review the ED's action on an application, may be filed with the chief clerk. Whether a motion to overturn is procedurally available for a specific matter is determined by Title 30 of the Texas Administrative Code Chapter 50. According to 30 TAC Section 50.139, an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

If a motion to overturn is filed, the motion must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to the Environmental Law Division Deputy Director (MC 173), and the Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's action. The procedure and timelines for seeking judicial review of a commission or ED action are governed by Texas Health and Safety Code Section 361.321.

Individual members of the public may seek further information by calling the TCEQ Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

LG/ad

cc: Garrett T. Arthur, TCEQ Public Interest Counsel (MC 103)

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 26, 2023

Mr. Bradley Ford
City Manager
City of Waco
PO BOX 2570
Waco, Texas 76702

Via email

Subject: City of Waco Transfer Station Facility - McLennan County
Municipal Solid Waste - Development Permit No. 62050
Transmittal of Development Permit
Tracking No. 28859881; RN106117625/CN600131940

Dear Mr. Ford:

Enclosed is a copy of the above-referenced development permit issued pursuant to Chapter 361, Texas Health & Safety Code. The Foundation Plans, the Site Operating Plan, Structures Gas Monitoring Plan, and all other documents and plans, including the report prepared and submitted to support the permit application, shall be considered a part of this permit, and shall be considered as operational requirements of this development permit.

If you have any questions concerning this matter, please contact Ms. Lindsay Ross at (512) 239-0535, or in writing at the address on our letterhead (please include mail code MC 124 on the first line).

This action is taken under authority delegated by the executive director of the Texas Commission on Environmental Quality.

Sincerely,

A handwritten signature in black ink that reads "Charly Fritz".

Charly Fritz, Deputy Director
Waste Permits Division

CF/LR/tw

cc: Mr. Jeff Arrington, Project Manager, SCS Engineers, Waco
Mr. Kody Petillo, Director of Public Waste, City of Waco, Waco

Enclosures

Texas Commission on Environmental Quality



Permit for Use of Land Over a Closed Municipal Solid Waste (MSW) Landfill

Issued under provisions of Texas
Health & Safety Code
Chapter 361

MSW Permit No.: 62050
Name of Site Operator/Permittee: City of Waco
Property Owner: City of Waco
Development Name: City of Waco Transfer Station Facility
Development Address: South University Parks Drive, Waco, Texas 76712
Development Classification: Enclosed Structure Over a Closed MSW Landfill

The permittee is authorized to construct and operate an enclosed municipal solid waste transfer station, a scale house building, a citizen's collection station, and a new paved access drive with parking for trucks and vehicles over a closed MSW landfill in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules and orders of the Commission and laws of the State of Texas. Nothing in this permit exempts the permittee from compliance with other applicable rules and regulations of the Texas Commission on Environmental Quality. This permit will be valid until canceled, amended, or revoked by the Commission.

Approved, Issued and Effective in accordance with Title 30, Texas Administrative Code (30 TAC), Chapter 330, Subchapter T.

Issued Date: October 19, 2023

A handwritten signature in black ink, appearing to read "K. Keel".

For the Commission

Contents

I. Development Location and Size..... 3
II. Development Design, Construction, and Operation..... 3
III. Development Closure 5
IV. Standard Permit Conditions 5
V. Incorporated Regulatory Requirements 6
VI. Special Provisions..... 6
Attachment A.....7
Attachment B7

I. Development Location and Size

- A. The development address is located S University Parks Drive, Waco, Texas 76712 in McLennan County, Texas. The enclosed structure consists of an enclosed municipal solid waste transfer station, with a total footprint of about 26,000 square feet with an option of expanding to 36,000 square feet, a scale house building (1,600 square feet), and a citizen's collection station (4,500 square feet). The entire development is on a tract of land of approximately 43.472 acres, and consists of the enclosed structures, and a new paved access drive with parking for trucks and vehicles.
- B. The property drawing and legal description are provided in Section 8 of Attachment A of this permit.
- C. Coordinates:
Latitude: 31° 29' 52" N
Longitude: 97° 04' 51" W
- D. Changes, Additions, and Expansions
Changes to the proposed development must be authorized in accordance with 30 TAC Chapter 305 (Consolidated Permits), and 30 TAC Chapter 330, Subchapter T (Use of Land Over Closed Municipal Solid Waste Landfills). Minor construction modifications shall be allowed, provided these construction modifications are consistent with provisions of this permit and commission rules, and are further depicted on final as-built drawings. Any construction modification shall in no way reduce the enclosed structure's ability to prevent methane migration into the structure and to monitor for methane within and around the structure.

II. Development Design, Construction, and Operation

- A. The development design, construction, and operation must comply with the provisions of this permit; Commission rules; the permit application incorporated by reference in Attachment A of this permit; and amendments, corrections, and modifications incorporated by reference in Attachment B of this permit. The development construction and operation shall be conducted in a manner that is protective of human health and the environment.
- B. The development shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant, and to prevent inundation from the surrounding areas.
- C. The development shall be designed and operated so as not to cause a violation of:
 - 1. The requirements of the Texas Water Code, §26.121;
 - 2. Any requirements of the Federal Clean Water Act, including but not limited to the National Pollutant Discharge Elimination System (NPDES) requirements, §402 as amended, and/or the Texas Pollutant Discharge Elimination System (TPDES) as amended;

3. The requirements under the Federal Clean Water Act, §404 as amended; and
4. Any requirement of an area-wide or statewide water quality management plan that has been approved under the Federal Clean Water Act, §208 or §319 as amended.

D. Landfill Gas Migration Barrier

The gas migration barrier system is described in Section 13 of Attachment A of this permit and consists of 40-mil HDPE liner beneath the entire enclosed structure. The HDPE liner is underlain by a 12-inch thick layer of fine aggregate. Within the aggregate layer is a network of 4-inch or 6-inch diameter perforated PVC pipes connected to solid PVC riser pipes located outside the building foundation perimeter to provide passive venting of landfill gas.

E. Safety and Evacuation Plan

The permittee shall ensure that the Safety and Evacuation Plan, as presented in Section 21 of Attachment A of this permit, is maintained up-to-date, and that appropriate personnel are knowledgeable of the provisions and procedures in the plan.

F. Landfill Final Cover

1. The final cover over the landfill serves as a barrier to the infiltration of water and to prevent waste exposure. Construction of this development shall not create any ponding of water, and any observed ponding during and after construction shall be promptly repaired.
2. Areas of the landfill final cover that are disturbed due to construction activities and where structures are not being constructed shall be graded to prevent ponding and ensure a minimum of two feet of soil is present over the waste. These areas shall be vegetated to minimize erosion.
3. Upon completion of construction, the integrity of the final cover shall not be disturbed in any way without prior authorization of the executive director.

G. Methane Monitoring and Reporting

1. The enclosed structure shall be monitored in accordance with the facility's Structures Gas Monitoring Plan. The Structures Gas Monitoring Plan is described in Sections 18 and 20 of Attachment A of this permit, and consists of a permanently installed, continuous methane monitoring system within the enclosed structure and within the gas migration barrier system riser pipes. The continuous methane monitoring system is equipped with automatic methane gas sensors designed to trigger an audible alarm if the concentration of methane exceeds 1% by volume in air. The sensor locations are illustrated in Figure 20.3 of Attachment A of this permit.
2. The continuous methane monitoring system shall be calibrated, operated, and maintained in accordance with the manufacturer's specifications.

3. All recorded monitoring results shall be placed in the operating record of the facility and made available for inspection by the executive director and any local pollution agency with jurisdiction that has requested to be notified.
4. If the volumetric concentration of methane in air exceeds 1% within the vent pipes or building, the permittee shall take immediate action to ensure the safety of the building occupants, notify the executive director, and manage the landfill gas exceedance in accordance with 30 TAC §330.961(b)(2)(A).

H. Construction Plans

1. Plans and specifications of the proposed development shall be maintained at the project site at all times during construction.
2. After completion of construction, one set of as-built construction plans and specifications shall be maintained at the enclosed structure and made available for inspection by the executive director in accordance with 30 TAC §330.958.

III. Development Closure

A. Closure of the development shall commence:

1. Upon direction by the executive director of the TCEQ for failure to comply with the terms and conditions of the permit, or violation of state or federal regulations;
2. Upon abandonment of the site;
3. Upon direction by local or state fire marshal or health departments; and/or
4. Upon the permittee's notification to the Commission that the enclosed structure is to be razed.

IV. Standard Permit Conditions

- A. This permit is based on, and the permittee shall follow, the permit application dated May 3, 2023, and the revisions dated August 15, 2023, and September 12, 2023. These application submittals are hereby approved subject to the terms of this permit, the rules and regulations, and any orders of the TCEQ, and are incorporated into this permit by reference in Attachment A as if fully set out herein. Any and all revisions to these application submittals shall become conditions of this permit upon the date of approval by the Commission. The permittee shall maintain the application and all revisions and supporting documentation at the enclosed structure and make them available for inspection by TCEQ personnel.
- B. Attachment B of this permit shall consist of all duly executed amendments, modifications, and corrections to this permit.
- C. The permittee has a duty to comply with all conditions of this permit. Failure to comply with any permit condition may constitute a violation of the permit and statutes under which it was issued, and is grounds for enforcement action, for

permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility or development.

- D. During construction and operation of the facility, measures shall be taken to control runoff, erosion, and sedimentation from disturbed areas. Erosion and sedimentation control measures shall be inspected and maintained at least monthly and after each storm event. Erosion and sedimentation controls shall remain functional until disturbed areas are stabilized with established permanent vegetation.
 - E. The permittee shall comply with 30 TAC §330.161 (Oil, Gas, and Water Wells) as appropriate. The permittee shall submit plugging reports for all wells encountered during construction to the TCEQ.
 - F. Inspection and entry onto the site by authorized personnel shall be allowed during the development operating life.
 - G. The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the remainder of this permit shall not be affected.
 - H. Regardless of a specific design or specification contained in the application, as adopted by reference in Attachments A and B of this permit, the permittee shall be required to meet all performance standards required by the permit, the Texas Administrative Code, and local, state, and federal laws or ordinances.
 - I. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application, or in any report to the executive director, it shall promptly submit such facts or information.
 - J. The permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy in accordance with 30 TAC §305.125(22).
 - K. Any proposed development changes, additions, or expansions must be authorized in accordance with the rules in 30 TAC Chapters 305 and 330.
 - L. If differences arise between permit provisions and the rules under 30 TAC Chapter 330, the rule provisions shall hold precedence.
- V. Incorporated Regulatory Requirements**
- A. The permittee shall comply with all applicable federal, state, and local regulations and shall obtain any and all other required permits prior to the beginning of any onsite improvements or construction approved by this permit.
 - B. To the extent applicable, the requirements of 30 TAC Chapters 37, 281, 305, and 330 are adopted by reference and are hereby made provisions and conditions of this permit.

VI. Special Provisions

NA

City of Waco Transfer Station Facility
MSW Permit No. 62050
Page 7 of 7

Attachment A

The permit application.

Attachment B

Amendments, corrections, and modifications issued for MSW Permit No. 62050

