



**ORDER 01-2024**

**ORDER OF CALDWELL COUNTY COMMISSIONERS COURT  
PROHIBITING SOLID WASTE DISPOSAL AND PROCESSING  
IN CERTAIN AREAS OF CALDWELL COUNTY**

**WHEREAS**, Section 363.112 of the Texas Health and Safety Code authorizes a county to prohibit the disposal of municipal or industrial solid waste in certain areas of the county;

**WHEREAS**, Section 364.012 of the Texas Health and Safety Code authorizes a county to prohibit the disposal of municipal or industrial solid waste in the county if the disposal of the municipal or industrial solid waste is a threat to the public health, safety, and welfare;

**WHEREAS**, the Caldwell County Commissioners Court (the "County"), has the responsibility and the authority to take action to protect the public health, safety, and welfare;

**WHEREAS**, the County recognizes that the San Marcos river and other waterways and flood plains serve as an important resource of groundwater and surface water in Caldwell County, and provide benefits to residents, agriculture, and wildlife;

**WHEREAS**, the County understands the importance of protecting these groundwater and surface water resources from landfill development and contamination, in order to help ensure that these resources may continue to be support Caldwell County residents, agriculture, and wildlife, in addition to the public health, safety, and welfare;

**WHEREAS**, on December 9, 2013, the County adopted its Caldwell County Solid Waste Disposal Ordinance, designating an approximately 18-acre area as the only area in Caldwell County in which the processing or disposal of municipal or industrial solid waste is not prohibited;

**WHEREAS**, since its 2013 Ordinance, the County has determined that a more suitable location for the disposal of municipal or solid waste exists within Caldwell County, identified as the TCEQ-permitted facility boundary at 130 Environmental Park: approximately 520 acres at 5200 N. Highway 183, Lockhart, Texas 78644;

**WHEREAS**, the 130 Environmental Park is currently operating as the sole solid waste disposal facility in Caldwell County;

**WHEREAS**, public hearing notices regarding the proposed order were published in a newspaper of general circulation in the county for two consecutive weeks before the County considered this Order; and

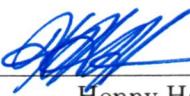
**WHEREAS**, a public hearing was held on October 10, 2023, before the order was considered by the County, and any interested person was allowed to testify at the hearing.

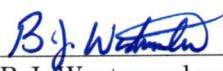
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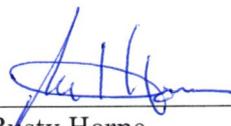
NOW THEREFORE, BE IT ORDERED BY THE CALDWELL COUNTY COMMISSIONERS COURT THAT:

1. The County finds that the disposal of municipal or industrial solid waste in the county is a threat to the public health, safety, and welfare, and the geographic scope of this threat should be minimized;
2. The County adopts the following Ordinance Prohibiting Solid Waste Disposal and Processing in Certain Areas of Caldwell County, attached as Attachment '1'; and
3. The Caldwell County Solid Waste Disposal Ordinance, dated December 9, 2013, is superseded in its entirety.

ORDERED this the 10<sup>th</sup> day of October, 2023.

  
 \_\_\_\_\_  
 Hoppy Haden  
 Caldwell County Judge

  
 \_\_\_\_\_  
 B.J. Westmoreland  
 Commissioner, Precinct 1

  
 \_\_\_\_\_  
 Rusty Horne  
 Commissioner, Precinct 2

  
 \_\_\_\_\_  
 Ed Theriot  
 Commissioner, Precinct 3

  
 \_\_\_\_\_  
 Dyral Thomas  
 Commissioner, Precinct 4

ATTEST:

  
 \_\_\_\_\_  
 Teresa Rodriguez  
 Caldwell County Clerk



# **Attachment '1'**

## **ORDINANCE**

### **PROHIBITING SOLID WASTE DISPOSAL AND PROCESSING IN CERTAIN AREAS OF CALDWELL COUNTY**



## ORDINANCE

### PROHIBITING SOLID WASTE DISPOSAL AND PROCESSING IN CERTAIN AREAS OF CALDWELL COUNTY

#### CHAPTER 1 GENERALLY

Section 1.01. Purpose. The purpose of this Ordinance is to preserve and protect the public health, safety, and welfare of the residents of Caldwell County, Texas, through the designation of areas in which the processing or disposal of solid waste is not prohibited and those areas in which such activities are prohibited.

Section 1.02. Authority. The Commissioners Court is authorized to enact this Ordinance by Chapter 363 and 364 of the Texas Health and Safety Code.

Section 1.03. Scope. The Caldwell County Commissioners Court recognizes that it is not tasked with permitting solid waste facilities and the intent of this Ordinance is not to approve the siting of any specific solid waste facility within Caldwell County, Texas. Thus, the designation of areas where solid waste facilities are not prohibited should not be interpreted as a finding that siting a solid waste facility in an area is appropriate, recommended, or otherwise compatible with surrounding land uses pursuant to 30 Texas Administrative Code Section 330.61.

#### CHAPTER 2 DEFINITIONS

Section 2.01. Disposal. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of solid waste or hazardous waste, whether containerized or un-containerized, into or on any land or water so that the solid waste or hazardous waste or any constituent thereof may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any other manner.

Section 2.02. Industrial Solid Waste. "Industrial Solid Waste" means waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

Section 2.03. Municipal Solid Waste. "Municipal solid waste" means solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other forms of solid waste other than industrial solid waste.

Section 2.04. Processing. "Processing" means activities including the extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of waste, designed to change the physical, chemical, or biological character or composition of any waste to neutralize such waste, or to

recover energy or material from the waste, or render the waste safer to transport, store, or dispose of, or make it amenable for recovery, amenable for storage, or reduced in volume.

Section 2.05. Solid Waste. "Solid waste" means garbage, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities.

Section 2.06. Solid Waste Facility. "Solid waste facility" means all contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The term includes a publicly or privately owned solid waste facility consisting of several processing, storage, or disposal operation units such as one or more landfills, surface impoundments, or a combination of units, in addition to any incinerator, landfill, transfer station, materials recovery facility, land application, beneficial use, or composting site.

### **CHAPTER 3 AREA DESIGNATIONS FOR SOLID WASTE DISPOSAL AND PROCESSING**

Section 3.01. Areas Not Prohibited. The processing or disposal of municipal or industrial solid waste or the operation of a solid waste facility is not prohibited in the area of Caldwell County identified as the TCEQ-permitted facility boundary at 130 Environmental Park, further depicted on Exhibits A and B attached hereto and incorporated herein: approximately 520 acres at 5200 N. Highway 183, Lockhart, Texas 78644.

Section 3.02. Areas Prohibited. Except as provided in Section 3.01, the processing or disposal of municipal or industrial solid waste or the operation of a solid waste facility is prohibited in all portions of Caldwell County, Texas.

### **CHAPTER 4 APPLICABILITY**

Section 4.01. TCEQ Permit Applications. This Ordinance does not apply to an area of the County for which an application for a permit or other authorization under Health and Safety Code Chapter 361 has been filed with and is pending before the Texas Commission on Environmental Quality (TCEQ) as of the date that this Ordinance is effective.

Section 4.02. TCEQ Issued Permits. This Ordinance does not apply to an area of the County for which a permit or other authorization under Health and Safety Code Chapter 361 has been issued by TCEQ as of the Date that this Ordinance is effective.

Section 4.03. Municipal Corporate Limits. This Ordinance does not apply within the corporate limits of any municipality.

Section 4.04. Certain Industrial Solid Waste Disposal. This Ordinance does not apply to an area to which Section 361.090 of the Health & Safety Code applies.

### **CHAPTER 5 ENFORCEMENT**

Section 5.01. Criminal Penalties. Violations of this Ordinance are subject to criminal penalties to the extent allowed by state law.

Section 5.02. Injunction and Civil Penalties. The Caldwell County Commissioners Court may bring legal action to enjoin violations of this Ordinance and seek judgment for civil penalties.

**CHAPTER 6  
CONFLICTING LAWS; CUMULATIVE EFFECT.**

Section 6.01. More Stringent Law Prevails. If any provision or provisions contained in this Ordinance are found to be in conflict with any other provision of local, state, or federal law, the more stringent conflicting rule or law shall control.

Section 6.02. Cumulative with Other Laws. The authority under this Ordinance is cumulative of other laws, rules, and regulatory authority that Caldwell County may have to regulate municipal or solid waste disposal within its jurisdiction.

Section 6.03. Severability. If any provision or provisions contained in this Ordinance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such as invalidity, illegality, or unenforceability shall not affect any other provision of this Ordinance, and this Ordinance shall be construed as if the invalid, illegal, or unenforceable provision had never been included.

**CHAPTER 7  
EFFECTIVE DATE**

Section 7.01. Effective Date. This Ordinance shall be in full force and effect on October 10, 2023.

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

December 12, 2017

TO: Persons on the attached mailing list.

RE: 130 Environmental Park, LLC  
TCEQ Docket No. 2015-0069-MSW; SOAH Docket No. 582-15-2082  
MSW Permit No. 2383

The above-referenced matter was previously approved by the Commission at its September 6, 2017 Agenda. The order concerning this matter was mailed with a draft copy of the permit on September 20, 2017. Enclosed is the signed copy of the permit.

Should you have any questions, please contact Melissa Schmidt of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3317.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac  
Chief Clerk

BCB/ms

Enclosure

130 Environmental Park, LLC  
TCEQ Docket No. 2015-0069-MSW  
SOAH Docket No. 582-15-2082

FOR THE APPLICANT:

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FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

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Austin, Texas 78711-3087

**FOR THE CHIEF CLERK**  
**via electronic mail:**

**Bridget C. Bohac, Chief Clerk**  
**Texas Commission on Environmental**  
**Quality**  
**Office of Chief Clerk MC-105**  
**P.O. Box 13087**  
**Austin, Texas 78711-3087**

**\*The Honorable Kerrie Jo Qualtrough**  
**\*The Honorable Casey A. Bell**  
**Administrative Law Judge**  
**State Office of Administrative Hearings**  
**P. O. Box 13025**  
**Austin, Texas 78711-3025**

**\* Courtesy Copy via e-Filing**

# Texas Commission on Environmental Quality



Permit For  
Municipal Solid Waste (MSW) Management Facility  
Issued under provisions of Texas  
Health and Safety Code  
Chapter 361

MSW Permit No.: 2383  
Name of Site Operator/Permittee: 130 Environmental Park, LLC  
Property Owner: Cathy Moore Hunter  
Facility Name: 130 Environmental Park  
Facility Location: North of FM 1185 between U.S. Highway 183 and  
Homannville Trail, about two miles north of Lockhart,  
Caldwell County, Texas  
Classification of Site: Type I Municipal Solid Waste Landfill Facility

The permittee is authorized to store, process, and dispose of wastes 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, Chapter 330.

Issued Date: 12-11-17

  
For the Commission

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**I. Size and Location of Facility**

- A. The 130 Environmental Park landfill facility is located north of FM 1185 between U.S. Highway 183 and Homannville Trail, about two miles north of Lockhart, Caldwell County, Texas. The facility contains approximately 520 acres.
- B. The legal description is contained in Part I of the application, which is incorporated by reference in Attachment A of this permit.
- C. Coordinates and Elevation of Site Permanent Benchmark:
- |            |   |
|------------|---|
| Latitude:  | N 29° 58' 43.75"                          |
| Longitude: | W 97° 39' 24.76"                          |
| Elevation: | 592.37 feet above mean sea level (ft msl) |

**II. Facilities and Operations Authorized**

- A. Days and Hours of Operation
- The waste acceptance hours for the receipt and disposal of waste at this facility shall be 7:00 a.m. to 7:00 p.m. Monday through Friday. The operating hours at this landfill which include the use of heavy equipment shall be 5:00 a.m. to 9:00 p.m. Monday through Friday.
- The operator shall post the actual waste acceptance and operating hours on the site sign.
- B. Wastes Authorized at This Facility
- The permittee is authorized to dispose of municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, recreational and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, construction and demolition waste, and yard waste; Class 2 non-hazardous industrial solid waste; Class 3 non-hazardous industrial solid waste; and certain special waste as described in Part II, Section 2.1 of the permit application. The facility will not accept Class 1 industrial solid waste except waste that is Class 1 only because of asbestos content.
- C. Wastes Prohibited at This Facility
- The permittee shall comply with the waste disposal restrictions set forth in 30 TAC §330.15(e). The permittee shall not accept medical waste, sewage, dead animals, slaughterhouse waste, sludge, grease trap waste, grit trap waste, liquid waste from municipal sources, municipal hazardous waste from conditionally exempt small quantity generators, out-of-state waste, and any other waste which is prohibited or not identified in Section II.B above.
- D. Waste Acceptance Rate
- Authorized wastes will be accepted at an anticipated/initial rate of approximately 1,500 tons per day and may increase to a maximum of 2,943 tons per day. These estimated acceptance rates are not a limiting parameter to the permit.
- E. Waste Volume Available for Disposal
- The total waste disposal capacity of the landfill (including waste and daily cover) is 33.1 million cubic yards.

**F. Facilities Authorized**

The permittee is authorized to operate a Type I municipal solid waste landfill consisting of a total permit boundary of approximately 520 acres and a waste disposal footprint of approximately 202 acres. The permittee is also authorized to operate a citizen convenience center, leachate storage unit, large items storage area, used/scrap tire storage area, wood waste processing area, and truck wheel wash station.

All waste disposal activities authorized by this permit are to be confined to the Type I landfill which shall include security fencing, a gatehouse, scales, a paved entrance road to the site, all-weather access roads, soil stockpiles, landfill gas monitoring and collection system, leachate collection system, groundwater monitoring system, liner system, solid waste disposal area, and other improvements. Structures for surface drainage and storm water run-on/runoff control include a perimeter drainage system to convey storm water runoff around the site, berms, ditches, detention ponds and associated drainage structures.

All waste processing activities identified above and authorized by this permit are to be confined to the locations depicted in Drawing IIA.8 in Part II of the permit application and described in Part III, Attachment D, Chapter 2 of the permit application.

**G. Changes, Additions, or Expansions**

Any proposed facility changes must be authorized in accordance with the rules in 30 TAC Chapters 305 and 330.

**III. Facility Design, Construction, and Operation**

- A.** Facility design, construction, and operation and maintenance must comply with the provisions of this permit; Commission Rules, including but not limited to 30 TAC Chapter 330; special provisions contained in this permit; and Parts I through IV of the permit application incorporated by reference in Attachment A of this permit; amendments, corrections, and modifications incorporated by reference in Attachment B. The facility construction and operation shall be managed in a manner that protects human health and the environment.
- B.** The entire waste management facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant beyond the point of compliance as defined in 30 TAC §330.3 and to prevent inundation or discharge from the areas surrounding the facility components. Each receiving, storage, processing, and disposal area shall have a containment system that will collect spills and incidental precipitation in such a manner as to:
1. Preclude the release of any contaminated runoff, spills, or precipitation;
  2. Prevent washout of any waste by a 100-year frequency flood; and
  3. Prevent run-on into the disposal areas from off-site areas.
- C.** The site shall be designed and operated so as not to cause a violation of:
1. The requirements of §26.121 of the Texas Water Code;
  2. Any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements of §402, as amended, and/or the Texas Pollutant Discharge Elimination System (TPDES), as amended;

3. The requirements under §404 of the Federal Clean Water Act, as amended; and
  4. Any requirement of an area wide or statewide water quality management plan that has been approved under §208 or §319 of the Federal Clean Water Act, as amended.
- D. Management of Contaminated Water, Leachate, and Gas Condensate
1. All contaminated water, leachate, and gas condensate shall be handled, stored, treated, disposed of, and managed in accordance with requirements in 30 TAC §§ 330.207, 330.305(g), 330.333, as applicable, and the permit application incorporated by reference in Attachment A of this permit.
  2. Contaminated surface water and groundwater shall not be placed in or on the landfill.
- E. Liner System
1. A liner system meeting the requirements of 30 TAC Chapter 330 Subchapter H will be constructed. The system will consist of (from top to bottom): 24 inches of protective cover soil, a 300-mil-thick geocomposite leachate drainage layer, a 60-mil-thick high-density polyethylene (HDPE) geomembrane, and 24 inches of re-compacted clay with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  centimeters per second.
  2. The elevation of deepest excavation at the landfill disposal area is 501.9 feet above msl, and is located at the leachate collection sump.
  3. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in Part III, Attachment D1, Drawing D1.6 in the permit application.
- F. Final Cover System
1. The final cover system is designed to meet the requirements of 30 TAC Chapter 330 Subchapter K and will be placed on the above-grade waste. Each cell or phase will be covered with a system consisting of (from top to bottom): 24 inches of soil with the top six inches capable of sustaining native plant growth, a 200-mil-thick double-sided geocomposite drainage layer on sideslopes, a six ounces per square yard nonwoven geotextile cushion layer on topslopes, a 40-mil-thick linear low-density polyethylene (LLDPE) geomembrane, and 18 inches of re-compacted clay with a hydraulic conductivity of no more than  $1 \times 10^{-5}$  centimeters per second.
  2. The maximum elevation of the final cover shall not exceed 736 ft msl.
  3. Best management practices for temporary erosion and sedimentation control shall remain in place until sufficient vegetative cover has been established to control and mitigate erosion on areas having final cover. Vegetative cover will be monitored and maintained throughout the post-closure care period in accordance with the Post Closure Care Plan.
- G. Waste Placement
1. The lowest elevation of waste placement will be approximately 505.9 ft msl.
  2. The maximum final elevation of waste placement will be 731.5 feet above msl.

H. Landfill Gas Management System

1. A landfill gas management system to monitor and control methane gas pursuant to 30 TAC Chapter 330, Subchapter I shall be installed and operated at the landfill. The landfill gas monitoring system shall consist of a perimeter network of landfill gas monitoring probes and landfill gas monitoring equipment for facility structures. The landfill gas monitoring probes and landfill gas control system shall be located, installed, and operated as described in the Landfill Gas Management Plan in the application and consistent with applicable rules. At a minimum, landfill gas monitoring shall be conducted on a quarterly basis.
2. The landfill gas management system shall ensure that the concentration of methane gas generated by the facility does not exceed 5% by volume in monitoring points, probes, subsurface soils, or other matrices at the facility boundary defined by the legal description in the permit or permit by rule, and does not exceed 1.25% by volume in facility structures (excluding gas control or recovery system components). If methane gas levels exceeding the limits specified herein are detected, the owner or operator shall follow and implement the notification and mitigation provision described under 30 TAC §330.371(c) to ensure continuous protection of human health and the environment.

I. Groundwater Monitoring System

1. The groundwater monitoring system shall be installed and shall consist of a sufficient numbers of monitoring wells to monitor the quality of groundwater in the uppermost aquifer in accordance with 30 TAC §330.403. The system shall be designed, constructed, and operated in accordance with the groundwater monitoring system design and the Groundwater Sampling and Analysis Plan in the application and consistent with the applicable rules.
2. Monitoring wells shall be sampled in accordance with 30 TAC §330.407. The frequency of groundwater sampling and reporting of data collected for each sampling event shall be in accordance with 30 TAC §330.405 and the Groundwater Sampling and Analysis Plan in the application.

J. Landfill Markers

Landfill markers shall be installed and maintained in accordance with 30 TAC §330.143 and as described within the Site Operating Plan in the application.

K. Storm water runoff from the active portion(s) of the landfill shall be managed in accordance with 30 TAC §§330.63(c), and 30 TAC Chapter 330, Subchapter G and as described in the Facility Surface Water Drainage Report, Drainage Analysis and Design, Flood Control Analysis, and Drainage System Plans and Details in the application.

L. The permittee shall comply with 30 TAC §330.59(f) (3) regarding employment of a licensed solid waste facility supervisor. The permittee shall ensure that landfill personnel are familiar with safety procedures, contingency plans, the requirements of Commission rules and this permit, commensurate with their levels and positions of responsibility as described in the Site Operating Plan in the permit application. All facility employees and other persons involved in facility operations shall obtain the appropriate level of training or certification as required by applicable regulations.

- M. The facility shall be properly supervised to assure that the attraction of birds does not cause a significant hazard to low-flying aircraft and that appropriate control procedures will be followed. Any increase in bird activity that might be hazardous to safe aircraft operations will require prompt mitigation actions.

**IV. Financial Assurance**

- A. Authorization to operate the facility is contingent upon compliance with provisions contained within this permit and maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter L and 30 TAC Chapter 37.
- B. Within 60 days prior to the initial receipt of waste, the permittee shall provide financial assurance instrument(s) for demonstration of closure in an amount not less than \$10,121,410 (2014 dollars).
- C. Within 60 days prior to the initial receipt of waste, the permittee shall provide a financial assurance instrument for demonstration of post-closure care of the landfill in an amount not less than \$6,715,148 (2014 dollars).
- D. The permittee shall annually adjust the closure and/or post-closure care cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance instrument pursuant to 30 TAC §§330.503 and 330.507, as applicable.
- E. If the facility's closure or post-closure care plan is modified the permittee shall provide new cost estimates in current dollars in accordance with 30 TAC §§330.503, 330.463(b)(3)(D), and 330.507, as applicable. The amount of the financial assurance mechanism shall be adjusted within 45 days after the modification is approved. Adjustments to the cost estimates and financial assurance instrument(s) to comply with any financial assurance regulation that is adopted by the TCEQ subsequent to the issuance of this permit shall be initiated as a modification within 30 days after the effective date of the new regulation.

**V. Facility Closure**

Closure of the facility shall commence:

- A. Upon the landfill being filled to its permitted waste disposal capacity or upon the landfill reaching its permitted maximum waste elevation;
- B. Upon direction by the Executive Director of the TCEQ for failure to comply with the terms and conditions of this permit or violation of State or Federal regulations. The Executive Director is authorized to issue emergency orders to the permittee in accordance with §§5.501 and 5.512 of the Water Code regarding this matter after considering whether an emergency requiring immediate action to protect the public health and safety exists;
- C. Upon abandonment of the site by the permittee;
- D. Upon direction by the Executive Director of the TCEQ for failure to secure and maintain an adequate bond or other acceptable financial assurance instrument as required; or
- E. Upon the permittee's notification to the TCEQ that the landfill will cease to accept waste and no longer operate.

**VI. Facility Post-Closure Care**

- A. Upon completion and closure of the landfill, post-closure care shall be conducted in accordance with 30 TAC §330.463 and as described in the Postclosure Plan in the application following written acceptance of the certification of final closure by the Executive Director of the TCEQ.
- B. The vegetation on the final cover must be monitored and maintained throughout the post-closure care period.
- C. Following completion of the post-closure care period, the owner or operator shall submit to the Executive Director for review and approval a documented certification prepared by an independent professional engineer licensed in the State of Texas in accordance with 30 TAC §330.465.
- D. Upon written acceptance of the certification of completion of post closure care by the Executive Director of the TCEQ, the permittee shall submit to the Executive Director a request for voluntary revocation of this permit.

**VII. Standard Permit Conditions**

- A. This permit is based on and the permittee shall follow the permit application submittals dated September 4, 2013 and revisions dated September 17, 2013; February 14, 2014; June 27, 2014; August 22, 2014; and September 24, 2014. These application submittals are hereby approved subject to the terms of this permit, the rules and regulations, and any orders of the TCEQ. These application materials are incorporated into this permit by reference in Attachment A as if fully set out herein. Any and all revisions to these elements shall become conditions of this permit upon the date of approval by the Commission. The permittee shall maintain the application and all supporting documentation at the facility and make them available for inspection by TCEQ personnel. The contents of Part III of Attachment A of this permit shall be known as the "Approved Site Development Plan" in accordance with 30 TAC §330.63. The contents of Part IV of Attachment A of this permit shall be known as the "Approved Site Operating Plan" in accordance with 30 TAC §330.65 and 30 TAC Chapter 330, Subchapters D and E.
- B. Attachment B, consisting of amendments, modifications, and corrections to this permit, is hereby made a part of this permit.
- C. The permittee shall comply with all conditions of this permit. Failure to comply with any permit condition may constitute a violation of the permit, the rules of the Commission, and the Texas Solid Waste Disposal Act, and is grounds for an enforcement action, revocation, or suspension.
- D. A pre-construction conference shall be held pursuant to 30 TAC §330.73(c) prior to beginning physical construction of the facility to ensure that all aspects of this permit, construction activities, and inspections are met. Additional pre-construction conferences may be held prior to the opening of the facility.
- E. A pre-opening inspection shall be held pursuant to 30 TAC §330.73(e). The facility shall not accept solid waste until the executive director has confirmed in writing that all applicable submissions required by the permit and applicable rules have been received and found to be acceptable and that construction is in compliance with the permit and the approved site development plan.
- F. The permittee shall monitor sediment accumulation in ditches and culverts on a quarterly basis, and remove sedimentation to re-establish the design flow grades on an annual basis or more frequently if necessary to maintain design flow.

The roads within the facility shall be designed so as to minimize the tracking of mud onto the public access road.

- G. In accordance with 30 TAC §330.19(a), the permittee shall record in the deed records of Caldwell County, a metes and bounds description of all portions within the permit boundary on which disposal of solid waste has and/or will take place. A certified copy of the recorded document(s) shall be provided to the Executive Director in accordance with 30 TAC §330.19(b).
- H. Daily cover of the waste fill areas shall be performed with well-compacted clean earthen material that has not been in contact with garbage, rubbish, or other solid waste, or with an alternate daily cover which has been approved in accordance with 30 TAC §§330.165(d) and 305.70(k). Intermediate cover, run-on, and run-off controls shall not be constructed from soil that has been scraped up from prior daily cover or which contains waste.
- I. 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 that meets or exceeds the design storm event. Erosion and sedimentation controls shall remain functional until disturbed areas are stabilized with established permanent revegetation. The permittee shall maintain the on-site access road and speed bumps/mud control devices in such a manner as to minimize the buildup of mud on the access road and to maintain a safe road surface.
- J. Erosion stability measures shall be maintained on top dome surfaces and external embankment side slopes during all phases of landfill operation, closure, and post-closure care in accordance with 30 TAC §330.305(d).
- K. In compliance with the requirements of 30 TAC §330.145, the permittee shall consult with the local District Office of the Texas Department of Transportation or other authority responsible for road maintenance, as applicable, to determine standards and frequencies for litter and mud cleanup on state, county, or city maintained roads serving the site. Documentation of this consultation shall be submitted within 30 days after the permit has been issued.
- L. The permittee shall retain the right of entry onto the site until the end of the post-closure care period as required by 30 TAC §330.67(b).
- M. Inspection and entry onto the site by authorized personnel shall be allowed during the site operating life and until the end of the post-closure care period as required by §361.032 of the Texas Health and Safety Code.
- N. 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.
- O. Regardless of the specific design contained in the application or 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.
- P. The permittee shall comply with the requirements of the air permit exemption in 30 TAC §106.534, if applicable, and the applicable requirements of 30 TAC Chapters 106 and 116 and 30 TAC Chapter 330, Subchapter U.

- Q. All discharge of storm water will be in accordance with the U.S. Environmental Protection Agency NPDES requirements and/or the State of Texas TPDES requirements, as applicable.

**VIII. 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 on-site 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.

**IX. Special Provisions**

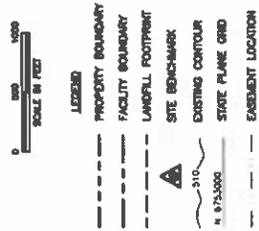
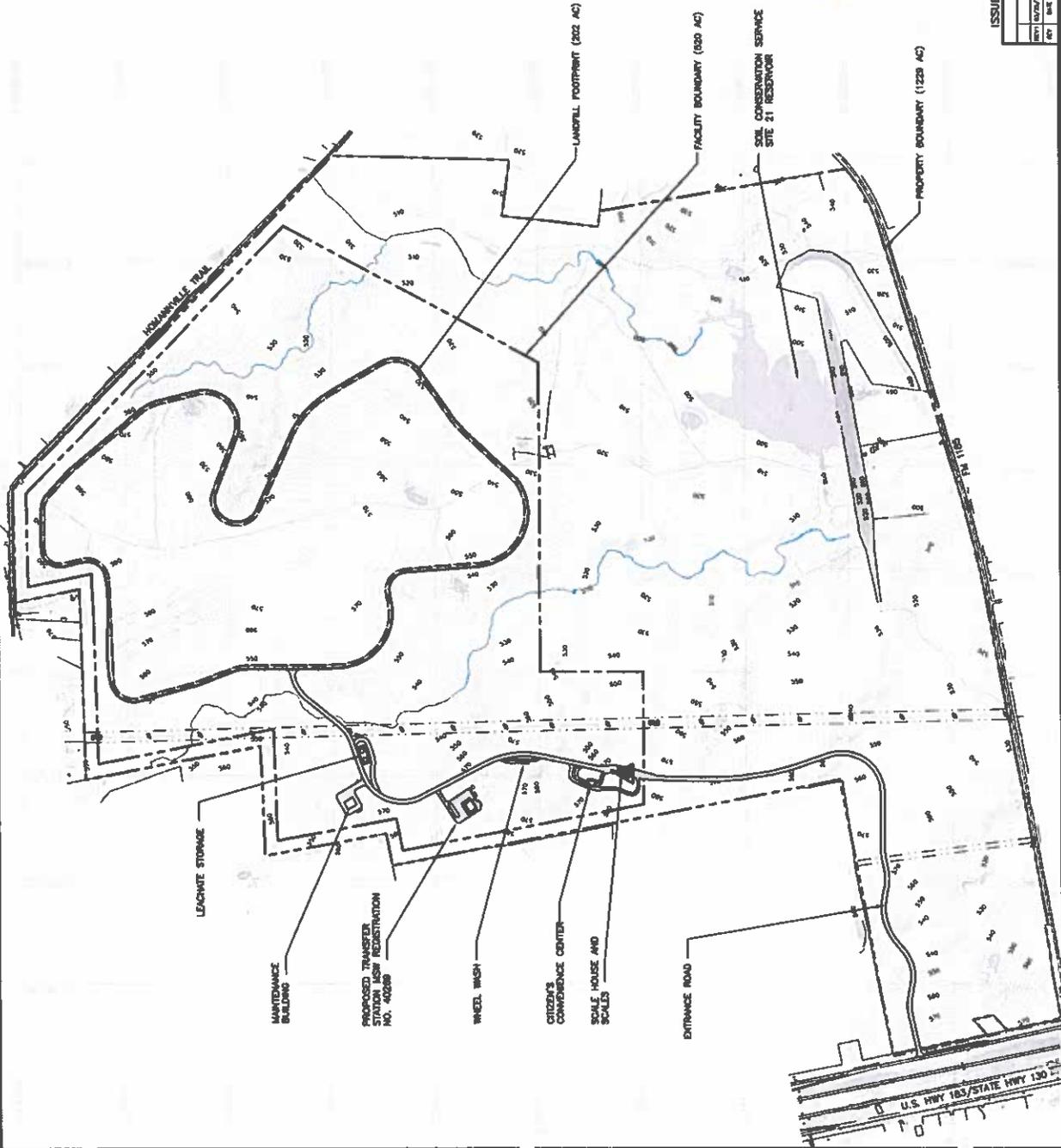
- A. Before physical construction may commence, the permittee must provide the executive director with a floodplain development permit from the city, county, or other agency with jurisdiction over improvements authorized by this permit.
- B. The facility must implement all roadway improvements specified in Part II, Appendix IIC of the permit application prior to the pre-opening inspection of the facility.

**Attachment A**

Parts I through IV of the permit application.

**Attachment B**

Amendments, corrections, and modifications issued for MSW Permit No. 2383.



- NOTES:**
1. CONTOURS AND ELEVATIONS PROVIDED BY DALLAS AERIAL SERVICE FROM AERIAL PHOTOGRAPHY FLORIAN MAY 13, 2013. HORIZONTAL DATUM IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ELEVATIONS ARE RELATIVE TO NAVD83 - GCS03 12K.
  2. REFER TO PART 1, APPROX. 10 FOR FACILITY BOUNDARY LOCAL DESCRIPTION.
  3. THERE ARE NO WASTE DISPOSAL ACTIVITIES WITHIN THE FACILITY BOUNDARY THAT ARE NOT INCLUDED IN THIS PERMIT APPLICATION.
  4. THERE ARE NO INHAZ/DEHAZ/HAZ STRUCTURES LOCATED WITHIN OR ASSOCIATED WITH THE FACILITY.
  5. PERMANENT BENCHMARK INFORMATION:  
 COORDINATES (NAD 83):  
 N: 13000154.25  
 E: 2301015.34  
 UTM: 18QUG01  
 LATITUDE: 32° 39' 54.29"  
 LONGITUDE: 97° 29' 54.29"  
 ELEVATION: 877.18 FT - MSL



**GENERAL SITE PLAN**

**130 ENVIRONMENTAL PARK, LLC**  
**130 ENVIRONMENTAL PARK**  
**TYPE I PERMIT APPLICATION**

**BIGGS & MATHEWS**  
 ENVIRONMENTAL  
 CONSULTING ENGINEERS  
 1100 W. WOODLAND AVENUE, SUITE 100  
 WASHINGTON, TEXAS 75781  
 817-862-1104

TYPE PERM. NO.	P-258	DATE	03/21
SCALE	AS SHOWN	SCALE	GRAPHIC
DATE	03/21	DATE	03/21
BY	DLK	BY	DLK
CHECKED	DLK	CHECKED	DLK
DATE	03/21	DATE	03/21

**IA.6**

ISSUED FOR PERMITTING PURPOSES ONLY.