

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.: 2374

Name of Site Operator/Permittee: Rancho Viejo Waste Management, LLC

Operator: Rancho Viejo Waste Management, LLC

Property Owner: Rancho Viejo Waste Management, LLC

Facility Name: Pescadito Environmental Resource Center

Facility Address: 2864 Jordan Road
Near Laredo in Webb County, TX 78043

Facility Classification: Type I Municipal Solid Waste Management Facility

The permittee is authorized to store, process, recycle, and dispose of waste 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 and it replaces any previously issued permit. 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:

For the Commission

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I. Facility Size and Location

- A. The Pescadito Environmental Resource Center is located at 2864 Jordan Road, near Laredo in Webb County, Texas 78043. The facility contains 953 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 27° 33' 32.4"
Longitude: W 99° 9' 35.99"
Elevation: 564.67 feet above mean sea level

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 and the operating hours which include the use of heavy equipment at this facility shall be 24 hours per day, seven days per week.
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, dead animals, abandoned automobiles, construction-demolition waste, and yard waste; Class 1, 2, or 3 non-hazardous industrial solid wastes; non-hazardous liquid from municipal sources; and special waste. The acceptance of the special wastes is contingent upon such waste being handled in accordance with Title 30 Administrative Code (30 TAC) Section (§)330.171, and in accordance with the listed and described procedures in Part IV of the application found in Attachment A of this permit, subject to the limitations and special provisions provided herein.
- 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 any other waste not identified in Section II.B of this permit, without prior written authorization and in accordance with 30 TAC 305.62(j)(2)(A). Also, those waste streams that are expressly prohibited by 30 TAC §330.15 will not be accepted.

D. Waste Acceptance Rate

Solid waste may be accepted for disposal at this facility at the initial rate of approximately 1,000,000 tons per year (tpy) [approximately 2,740 tons per day (tpd) based on 365 days-per-year of operation] and increasing over time to a maximum acceptance rate of approximately 3,650,000 tpy [approximately 10,000 tpd based on 365 days per year of operation]. The actual yearly waste disposal acceptance rate is a rolling quantity based on the sum of the previous four quarters of waste acceptance. Other authorized wastes may be accepted for processing at this facility at a maximum rate of 50,000 gallons per day for Non-hazardous liquid from municipal sources and 500 tpd for recyclable materials, large items/white goods, and tire. Unprocessed non-hazardous liquid from municipal sources may be stored for no more than 72 hours.

In accordance with 30 TAC 330.125(h), regarding Recordkeeping Requirements, if the annual waste acceptance rate exceeds the rate estimated in the landfill permit application and the waste increase is not due to a temporary occurrence, the owner or operator shall file an application to modify the permit application, including the revised estimated waste acceptance rate, in accordance with 30 TAC §305.70(k), relating to MSW Permit and Registration Modifications, within 90 days of the exceedance as established by the sum of the previous four quarterly summary reports. The application must propose any needed changes in the site operating plan to manage the increased waste acceptance rate to protect public health and the environment. The increased waste acceptance rate may justify requiring permit conditions that are different from or absent in the existing permit. This subsection is not intended to make an estimated waste acceptance rate a limiting parameter of a landfill permit.

E. Waste Volume Available for Disposal

The total waste disposal capacity of the landfill (including waste and daily cover) is 223 million cubic yards.

F. Facilities Authorized

The permittee is authorized to operate a Type I municipal solid waste landfill facility consisting of a total permit boundary of 953 acres and including two landfill disposal units with a combined waste disposal footprint of 660 acres. The permittee is also authorized to operate liquid waste solidification, recyclable materials recovery, large items and white goods storage, tire storage, leachate storage facility, and citizens' convenience center.

All waste disposal activities authorized by this permit are to be confined to the two Type I landfill units and the designated Class 1 cells; other structures associated with the facility include access roads, scales, gatehouse, dikes, berms and temporary drainage channels, permanent drainage structures, detention ponds, landfill gas management system, contaminated water management system, leachate management system, final cover, groundwater monitoring system, a liner system, and other improvements.

All waste processing activities authorized by this permit are to be confined to the liquid waste solidification area, recyclable materials recovery area, large items and white goods storage area, tire storage area, leachate storage facility, and

citizens' convenience center depicted in Figures III-B.1-2 and III-B.1-3 in Appendix III-B.1 contained in Attachment III-B to Part III of the application found in Attachment A of this permit.

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, including leachate, condensate, and water that has come in contact with waste, shall be handled, stored, treated, disposed of, and managed in accordance with 30 TAC §§ 330.65(c), 330.177, 330.207,

330.305(g), 330.333, 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 waste disposal unit.

E. Liner System

1. A liner system pursuant to 30 TAC §330.331 must be installed in all cells. The liner system shall be constructed in accordance with the rules and the specifications in Section 2.1 of Attachment III-B to Part III of the application found in Attachment A of this permit, and must consist of the following components (listed in order from top to bottom of liner system):
 - 2 feet protective soil
 - Double sided geocomposite drainage layer
 - 60 mil textured HDPE geomembrane
 - 24 inches compacted clay with hydraulic conductivity of $\leq 1 \times 10^{-7}$ cm/s (36 inches compacted clay with hydraulic conductivity of $\leq 1 \times 10^{-7}$ cm/s for designated Class 1 wastes cells)
2. The liner system shall be installed over the entire bottom and sidewalls as described in Appendix III-D.7 contained in Attachment III-D to Part III of the application found in Attachment A of this permit.
3. The elevation of deepest excavation at the landfill disposal area is 431 feet above msl, and is located at the leachate collection sump within Cell S-8 of the landfill.
4. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in landfill cross-section drawings in Appendix III-D.2 contained in Attachment III-D to Part III of the application found in Attachment A of this permit.

F. Final Cover System

1. A final cover system pursuant to 30 TAC Chapter 330 Subchapter K must be installed over all waste placed in landfill cells. The final cover system shall be constructed in accordance with the rules and the specifications in Drawing III-D.3-11 in Appendix III-D.3 contained in Attachment III-D to Part III of the application found in Attachment A of this permit, and must consist of the following components (listed in order from top to bottom):
 - 7 inches of erosion layer capable of sustaining native plant growth
 - 30 inches infiltration layer with hydraulic conductivity of $\leq 1 \times 10^{-5}$ cm/s
 - 12 inches of intermediate layer.
2. The final cover system shall be installed as described in Appendix III-D.9 contained in Attachment III-D to Part III of the application found in Attachment A of this permit.
3. The maximum elevation of the final cover shall not exceed 858 feet above msl for the north landfill units and 843 feet above msl for the south landfill unit.

4. 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 449.7 feet above msl for north landfill unit and 436.3 feet above msl for south landfill unit.
2. The maximum final elevation of waste placement will be 855 feet above msl for north landfill unit and 840 feet above msl for south landfill unit.
3. Disposal of Class 1 waste is limited to the below-grade areas designated as Class 1 cells.

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 land fill gas monitoring equipment for facility structures. The landfill gas monitoring probes and landfill gas control system shall be located as described in Drawing III-G.1-1 in Appendix III-G.1 contained in Attachment III-G to Part III of the application found in Attachment A of this permit. The landfill gas monitoring and control systems shall be designed, installed, and operated as described in Attachment III-G to Part III of the application found in Attachment A of this permit 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 Attachment III-F to Part III of the application found in Attachment A of this permit 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 Section 4 of Attachment III-F to Part III of the application found in Attachment A of this permit.

J. Landfill Markers

Landfill markers shall be installed and maintained in accordance with 30 TAC §330.143 and as described within Section 14 of Part IV of the application found in Attachment A of this permit.

K. Stormwater Control

Stormwater runoff from the active portion(s) of the landfill shall be managed in accordance with 30 TAC §§330.63(c), 330.301 through 330.307, and 330.165(c), and as described in Attachment III-C to Part III and Section 25 of Part IV of the application found in Attachment A of this permit.

L. Facility Personnel

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 the Commission's rules and this permit, commensurate with their levels and positions of responsibility as described in Section 6 of Part I and Section 4 of Part IV of the application found in Attachment A of this permit. 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. Bird and Vector Control

There are no airports within 6 miles of the facility boundary. The facility shall be operated to comply with the provisions within 30 TAC §330.151 regarding vector control.

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 \$4,623,179 (2015 dollars).
- C. Within 60 days prior to the initial receipt of waste, the permittee shall provide financial assurance instrument(s) for demonstration of post-closure care of the landfill in an amount not less than \$6,025,800 (2015 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 and/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/or the financial assurance instrument 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 Attachment III-I to Part III of the application found in Attachment A of this permit for a period of 30 years 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 March 28, 2011 and revisions dated May 23, 2011, September 15, 2011, December 14, 2011, December 23, 2011, February 24, 2012, March 15, 2012, June 4, 2012, June 13, 2014, July 25, 2014, March 5, 2015, April 21, 2015, September 21, 2015, November 17, 2015, and January 20, 2016. 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 Webb 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. A lateral expansion to add Surveys 2366 and 112, approximately 157 acres referred to as "Mineral Classified Lands", may be processed as a modification with notice as long as the land is being added as buffer only in accordance with 30 TAC §305.70(k)(7). If the addition includes an increase in the disposal area footprints or capacity, it must be processed as a major amendment in accordance with 30 TAC §305.62(j)(1)(B).
- B. Physical construction may not commence until final approval has been received from the Federal Aviation Administration based on an Obstruction Evaluation/Airport Airspace Analysis in accordance with Title 14 Code of Federal Regulations §77.9.

Attachment A

Parts I through IV of the permit application.

Attachment B

Amendments, corrections, and modifications issued for MSW Permit No. 2374.