

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 12, 2015

Mr. Thomas Funderburg  
President  
Post Oak Clean Green, Inc.  
P.O. Box 1270  
Seguin, TX 78155

Re: Post Oak Clean Municipal Solid Waste Landfill – Guadalupe County  
Municipal Solid Waste (MSW) – Permit Application No. 2378  
Permit Application – Technically Complete  
Tracking Nos. 15134774, 18627186, and 18807715  
CN604018655/RN106314990

Dear Mr. Funderburg:

The technical review of the above referenced MSW permit application has been completed, and it has been determined by the MSW Permits Section that the application is technically complete. Therefore, for all administrative purposes, the subject application shall be declared technically complete as of the date of this letter.

A copy of the draft permit, the Technical Summary, the Compliance History, and the Executive Director's Preliminary Decision are enclosed. A copy of the technically complete permit application, the draft permit, and the Executive Director's Preliminary Decision must be placed at the Guadalupe County Courthouse, 211 West Court Street, Seguin, Texas for public viewing/copying as will be indicated in the "Notice of Application and Preliminary Decision." These documents must be available at this location beginning on the first day of newspaper publication. The notice and instructions for publishing will be sent to you by the Chief Clerk's Office.

If you have any questions, please call Mr. Steve Odil at (512) 239-4568. When addressing written correspondence, please use mail code MC 124.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Goodin".

Chance Goodin, Manager  
Municipal Solid Waste Permits Section  
Waste Permits Division

CG/SPO/sdm

Enclosures

cc: Mr. Wade Wheatley, P.E., Cook-Joyce Inc., Austin

# 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.: 2378

Name of Site Operator/Permittee: Post Oak Clean Green, Inc.

Property Owner: K4 Ranches

Facility Name: Post Oak Municipal Solid Waste Landfill

Facility Address: 7787 Farm to Market Road 1150  
Seguin, Texas 78155

Classification of Site: Type I Municipal Solid Waste Management 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 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:

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For the Commission

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**DRAFT**

**I. Size and Location of Facility**

- A. The Post Oak Municipal Solid Waste Landfill is located in Guadalupe County, Texas 12.1 miles east of Seguin at 7787 Farm to Market Road 1150. The most commonly used route to the proposed facility would be from I-10, south about 1.2 miles on FM 1104 (Dix Road) to FM 1150, then east about 1.0 mile on FM 1150 to the facility entrance. The facility contains approximately 1,003 acres, of which 331 would be used for waste disposal.
- B. The legal description is contained in Part I, Attachment 1 of the application, which is incorporated by reference in Attachment A of this permit.
- C. Coordinates and Elevation of Site Permanent Benchmark
- |            |                               |
|------------|-------------------------------|
| Latitude:  | N 29.60520°                   |
| Longitude: | W 97.72440°                   |
| Elevation: | 460 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 shall be 24 hours per day, seven days per week. The operating hours at this landfill, which include the use of heavy equipment, shall be 24 hours per day, seven days per week.

The operator shall post the actual 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, yard waste, Class 2 non-hazardous industrial solid waste, Class 3 non-hazardous industrial solid waste, and special waste. The acceptance of the special wastes is contingent upon such waste being handled in accordance with 30 TAC §330.171, and in accordance with the procedures listed and described in Part IV of the application, which is incorporated by reference 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 prohibitions set forth in 30-TAC §330.15(e). The permittee shall not accept Class 1 nonhazardous industrial solid waste, regulated hazardous waste, liquid waste, or any other waste not identified in Section II.B. of this permit.

D. Waste Acceptance Rate

Solid waste may be accepted for disposal at this facility at the initial rate of approximately 300,000 tons per year (approximately 1,150 tons per day based on 260 days per year of operation) and increasing over time to a maximum acceptance rate of approximately 710,000 tons per year (approximately 2,700 tons per day based on 260 days per year of operation). The actual yearly waste acceptance rate is a rolling quantity based on the sum of the previous four quarters of waste acceptance.

E. Waste Volume Available for Disposal

The total waste disposal capacity of the landfill (including waste and daily cover) is 87 million cubic yards.

F. Facilities Authorized

The permittee is authorized to operate a Type I municipal solid waste landfill with a total permit boundary encompassing approximately 1,003 acres, of which approximately 331 acres are the waste disposal footprint. The permittee is also authorized to operate a recyclables, used oil, and lead battery storage area; a scrap tire storage area; a large items and white goods storage area; a reusable materials staging area; and a citizens convenience area.

All waste disposal activities authorized by this permit are to be confined to the Type I landfill unit. Other units and structures associated with the landfill unit 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 (including leachate evaporation ponds), final cover, groundwater monitoring system, a liner system, and other improvements.

All waste storage and processing activities authorized by this permit are to be confined to the locations depicted in Figure 20 in Part II of the permit application or as described in Part IV of the permit application. Used oil storage must meet the requirements of 30 TAC Chapter 324. Lead battery storage must meet the requirements of 30 TAC Chapter 328, Subchapter C.

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 contacted 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, 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 disposed waste in the landfill.

E. Liner System

1. A liner system pursuant to 30 TAC §330.331 must be installed in all cells. Two liner designs are authorized: a system including a composite liner and a system including an alternative liner. The liner system shall be

constructed in accordance with the rules and the specifications in Part III, Attachment 3, Figure 3-9 in the application. The composite liner system must consist of, from top to bottom, 2 feet of protective cover, a geocomposite drainage layer, a 60-mil high-density polyethylene (HDPE) geomembrane, and two feet of compacted clay with a hydraulic conductivity of no more than  $10^{-7}$  centimeters per second (cm/s). The alternative liner system replaces the compacted clay layer in the composite system with a geosynthetic clay liner.

2. The liner system shall be installed over the entire bottom and sidewalls as described in Part III, Attachment 3, Appendix 3D of the application.
3. The elevation of deepest excavation at the landfill disposal area is 415 feet above msl, and is located within a 3-foot-deep leachate collection sump.
4. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in Figure 18 in Part II of the application.

#### 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 Part III, Attachment 3, Appendix 3D of the application, and must consist of, from top to bottom, 2 feet of protective cover (of which the top six inches are suitable to sustain native plants), a geocomposite drainage layer, a 40-mil linear, low-density polyethylene (LLDPE) geomembrane, and 18 inches of compacted clay with a hydraulic conductivity of no more than  $10^{-5}$  cm/s.
2. The maximum elevation of the final cover shall not exceed 691.8 feet above 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 420 feet above mean sea level (msl).
2. The maximum final elevation of waste placement will be 688.3 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 as illustrated in Part III, Attachment 6, Figure 6-1 of the application. The landfill gas monitoring and control systems shall be designed, installed, and operated as described in Part III, Attachment 6 of 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, 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 Part III, Attachment 5 of 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 Part III, Attachment 5 of the application.

J. Landfill Markers

Landfill markers shall be installed and maintained in accordance with 30 TAC §330.143 and as described within Part IV, Section 11.0 of 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), 330.301 through 330.307, and 330.165(c), and as described in Part III, Attachment 2 of 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, requirements of



the Commission's rules and this permit, commensurate with their levels and positions of responsibility as described in Part IV, Section 3.4 of 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 \$3,310,349 (2014 dollars). This cost addresses construction in the first year of operation. The cost estimate and financial assurance instruments will be reviewed annually and updated, as necessary, to address changes during development, including changes to the largest area requiring closure.
- 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 \$8,141,148 (2014 dollars). This cost addresses construction in the first year of operation. The cost estimate and financial assurance instruments will be reviewed annually and updated, as necessary, to address changes during development, including changes to the largest area requiring post-closure care.
- 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 Part III, Attachment 8 of the application 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 December, 28, 2011, and revisions dated April 21, 2012; July 24, 2012; October 2, 2012; December 6, 2012; January 31, 2013; March 14, 2013; March 18, 2013; March 27, 2013; October 11, 2013; April 21, 2014; April 23, 2014; August 15, 2014; and December 4, 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 Guadalupe 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**

1. Water wells within the permit boundary must be plugged and abandoned in accordance with applicable state rules before physical construction may commence. A written certification that these wells were properly capped, plugged, and closed in accordance with all applicable rules and regulations of the commission or other state agency must be approved by the executive director before physical construction may commence.
2. Wells under the jurisdiction of the Railroad Commission of Texas (RRC) that are within the permit boundary must be plugged and abandoned. A written certification that these wells were properly capped, plugged, and closed in accordance with all applicable rules and regulations of the RRC must be approved by the executive director before physical construction may commence.
3. Physical construction may not commence until final approval on the Wetland Mitigation Plan has been provided by the United States Army Corps of Engineers.
4. Physical construction may not commence until final approval has been received from the Federal Aviation Administration based on an Obstruction Evaluation/Airport Airspace Analysis.
5. The facility must implement all roadway improvements specified in Part II, Appendix 4A of the permit application before waste may be accepted.
6. Section 27.0 of the Site Operating Plan and Figure 2C-2 in Appendix 2C in the Site Development Plan describe a method of recirculation of leachate and gas condensate in areas that have received daily or intermediate cover. By the end of each operating day, or within 24 hours if the facility is operating 24 hours per day, or in the event of adverse weather conditions (rain, high winds, etc.), excavated trenches must be covered to control vectors, fires, odors, windblown litter or waste, and scavenging, and to prevent water from pooling in the trenches. This temporary trench cover could be soil, tarps, or other methods to achieve adequate control. In accordance with 30 TAC §330.167, water may not pond within the excavations. Excavated soil that has contacted waste must be managed as contaminated soil, and storm water contacting contaminated soil would require handling as contaminated water. Excavation and recirculation must not compromise the integrity of the waste or cover stability. Leachate and condensate may not contact in-place daily or intermediate cover. Recirculation activities must be monitored to ensure that leachate and condensate do not overflow trenches and contact the in-place cover system.
7. This permit provides authorization for an alternative liner design. In accordance with 30 TAC §330.177, recirculation of leachate and gas condensate may occur only within a unit designed and constructed with a leachate collection system and a composite liner, defined in 30 TAC §330.3(29) and 30 TAC §330.331(b). This facility may

recirculate leachate and gas condensate as long as the unit is constructed with a composite liner. Once the approved alternative liner is constructed, recirculation within the unit is prohibited.

**Attachment A**

Parts I through IV of the permit application.

**Attachment B**

Amendments, corrections, and modifications issued for MSW Permit No. 2378.

DRAFT

**Technical Summary  
of the  
Post Oak Municipal Solid Waste Landfill  
MSW Permit Application  
No. 2378**

**Type I  
Municipal Solid Waste Facility  
Guadalupe County, Texas**

**Applicant:  
Post Oak Clean Green, Inc.**

**Date Prepared: December 10, 2014**

By the  
Municipal Solid Waste (MSW) Permits Section  
Office of Waste, Waste Permits Division  
Texas Commission on Environmental Quality

This summary was prepared in accordance with 30 Texas Administrative Code Section 281.21(c). The information contained in this summary is based upon the permit application and has not been independently verified.

Technical Summary  
Post Oak Municipal Solid Waste Landfill – Permit No. 2378  
Page 2

Name of Applicant: Post Oak Clean Green, Inc.  
P.O. Box 1270  
Seguin, Texas 78155

Name of Facility: Post Oak Municipal Solid Waste Landfill

Contact Person: Mr. Thomas Funderburg  
P.O. Box 1270  
Seguin, Texas 78155  
816-218-4761

Consulting Engineer: Mr. Wade Wheatley, P.E.  
Cook-Joyce Inc.  
812 W. 11<sup>th</sup> Street  
Austin, Texas 78701  
512-474-9097

## 1.0 GENERAL

### 1.1 Purpose:

Post Oak Clean Green, Inc. has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit to authorize a Type I MSW landfill in Guadalupe County, Texas. The total permitted facility would include approximately 1,003 acres of land, of which approximately 331 acres would be used for waste disposal. The maximum elevation of the top of the final cover system would be 691.8 feet above mean sea level (msl).

### 1.2 Wastes to be Accepted:

Solid waste to be disposed of would consist 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, yard waste, Class 2 non-hazardous industrial solid waste, Class 3 non-hazardous industrial solid waste, and special waste. The proposed landfill would not be authorized to accept waste materials other than those mentioned above. Furthermore, waste streams that are expressly prohibited by Title 30 of the Texas Administrative Code (30 TAC) Chapter 330, Section 330.15 may not be accepted.

### 1.3 Waste Acceptance Rate and Site Life:

Authorized wastes would be accepted for disposal at an anticipated initial rate of approximately 822 tons per day which would result in an estimated facility life of 128 years.

## 2.0 TECHNICAL REVIEW

Parts I and II of the application, submitted for a land-use compatibility determination, were received on December 28, 2011. Parts I and II were found to be administratively complete on January 6, 2012. The consolidated application was received on October 14,



2013. Parts III and IV of the application were found to be administratively complete on October 23, 2013.

The application has been technically reviewed by the Municipal Solid Waste Permits Section to determine its compliance with the applicable requirements in 30 TAC Chapters 305 and 330. Chapter 330 contains the minimum regulatory criteria for municipal solid waste facilities. It has been determined that the information in the permit application, along with the draft permit, demonstrates compliance with these regulatory requirements. A draft permit has been prepared, the application has been declared technically complete.

### **3.0 LOCATION AND SIZE**

#### 3.1 Location

The Post Oak Municipal Solid Waste Landfill would be located in Guadalupe County, Texas 12.1 miles east of Seguin at 7787 Farm to Market Road 1150. The most commonly used route to the proposed facility would be from I-10, south about 1.2 miles on FM 1104 (Dix Road) to FM 1150, then east about 1.0 mile on FM 1150 to the facility entrance.

#### 3.2 Elevation and Coordinates of Permanent Benchmark

Latitude: N 29.60520°

Longitude: W 97.72440°

Elevation: 460 feet above mean sea level (msl)

#### 3.3 Size: The proposed permit boundary encompasses approximately 1,003 acres.

### **4.0 FACILITY DESIGN, CONSTRUCTION, AND OPERATION**

#### 4.1 Facilities Authorized

The permit would authorize the operation of a Type I municipal solid waste landfill with a disposal volume (waste and daily cover) of approximately 87 million cubic yards in addition to support structures and facilities as described in the permit application and subject to the limitations contained in the permit and Commission rules.

The facility consists of a site entrance with 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, and the solid waste disposal area. 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.

#### 4.2 Waste Placement

The maximum elevation of waste placement will be approximately 688.3 feet above msl. The minimum elevation of waste placement will be approximately 420 feet above msl. The elevation of deepest excavation is approximately 415 feet above msl (and occurs within a 3-foot-deep leachate sump).

#### 4.3 Liner

A liner system meeting the requirements of 30 TAC Chapter 330 Subchapter H will be constructed. It will consist of the following components (listed in order from top to

bottom of liner system).

- 2 feet of protective cover soil
- geocomposite drainage layer
- 60-mil HDPE geomembrane
- 2 feet of compacted clay (hydraulic conductivity  $\leq 10^{-7}$  cm/s)

The application proposes the option of an alternative liner that uses a Geosynthetic Clay Layer in place of the compacted clay described above..

#### 4.4 Final Cover System

The final cover system is designed to meet the requirements of 30 TAC Chapter 330 Subchapter K and will be placed over waste at or prior to closure of the unit or facility. Each cell or phase will be covered with a composite final cover consisting of the following components (listed in order from top to bottom).

- 2-foot erosion layer (top 6 inches capable of sustaining native plants)
- geocomposite drainage layer
- 40-mil LLDPE geomembrane
- 18-inch infiltration layer (hydraulic conductivity  $\leq 10^{-5}$  cm/s)

#### 4.5 Leachate Collection System

The leachate collection system consists of a leachate collection layer (geocomposite drainage layer), leachate collection trenches, pipes, sumps, risers, and pumps. Leachate and condensate re-circulation is proposed for this facility. Leachate and condensate that are not recirculated must be evaporated in a lined pond or transported off-site to an authorized facility for treatment and disposal. The leachate collection system is designed to meet the requirements of 30 TAC Section (§)330.333 and will be placed on top of the liner system. Recirculation may not occur within the authorized unit once a cell has been constructed with an alternative liner, as noted in Draft Permit Special Provision 7. Guidelines for recirculation within trenches within daily and intermediate cover surfaces are provided in Draft Permit Special Provision 6.

## 5.0 LAND USE

Land use in the vicinity of the site was evaluated in accordance with 30 TAC §330.61(h).

- 5.1 The location of the proposed site is 12.1 miles east of Seguin in Guadalupe County, Texas.
- 5.2 The proposed facility would be located outside of the incorporated limits of any city and would therefore not be subject to city zoning ordinances.
- 5.3 The surrounding land is primarily native rangeland with extensive current and/or historical oil and gas activity.
- 5.4 There are 18 individual residences or inhabitable structures identified within one mile of the proposed permit boundary. There are two residential buildings nearest the facility, approximately 200 feet south of the permit boundary, across Nixon Road. There are no

schools, churches, or historical sites within one mile of the proposed facility.

- 5.5 Growth Trends – Growth trends within five miles of the facility are discussed in detail in Part II, Section 4.3 of the application. This analysis concludes that the landfill is unlikely to have a significant adverse impact on the surrounding area.

## 6.0 **LOCATION RESTRICTIONS**

Location restrictions for municipal solid waste landfills are set forth in 30 TAC Chapter 330 Subchapter M.

### 6.1 Airport Safety

The application indicates that there is one airport within six miles of the facility. The Old Kingsbury Aerodrome Airport is located approximately 5 miles to the northwest of the proposed facility at 170 Pershing Lane. Another airport, the Glen Beicker Ranch airport, appears on a Texas Department of Transportation (TxDOT) County Map approximately 5.25 miles southwest of the proposed facility. The application indicates that this airport has ceased operations and is no longer listed with the Federal Aviation Administration (FAA) or in the TxDOT Texas Airport Directory. The FAA has not provided final coordination to document compliance with airport location restrictions required under 30 TAC §330.61(i)(5). If the permit is issued, final correspondence from the FAA is required before construction may commence at the facility, as noted in Draft Permit Special Provision 4.

### 6.2 Floodplains

The facility is not located within the 100-year floodplain, as indicated on the current Flood Insurance Rate Map (FIRM). The facility is considered to be in compliance with 30 TAC §330.547.

### 6.3 Wetlands

The applicant conducted a wetland evaluation and wetland determination. Because jurisdictional wetlands exist at the location, the applicant is required to obtain a Section 404 permit from the United States Army Corps of Engineers (USACE) for the use of wetland areas. The USACE has not provided final determination on the Section 404 application. If the permit is issued, final approval by the USACE is required before construction may commence at the facility, as noted in Draft Permit Special Provision 3.

### 6.4 Fault Areas and Seismic Impact Zones

According to the application, there are no known faults within 200 feet and no known active faults within ½ mile of the site. The facility is not located within a seismic impact zone as defined in 30 TAC §330.557.

The applicant performed a subsidence and faulting study (Part III, Section 7.7) for the possibility of differential subsidence or faulting that could adversely affect the integrity of landfill liners with consideration of the oil and gas activity that has occurred in the vicinity of the facility. The study indicates that there is no evidence of subsidence or active geologic faulting at the proposed landfill. The United States Geological Survey Seismic Hazards Program indicates the facility location has a calculated probability of 3.4 per cent that a maximum horizontal acceleration will be exceeded in 250 years, which is below the threshold (10 percent) for a seismic impact zone. The facility is considered

to be in compliance with 30 TAC §§330.555 and 330.557.

6.5 Unstable Areas

The application indicates that no known unstable areas, as defined in 30 TAC §330.559, were found at the site. The facility is considered to be in compliance with 30 TAC §330.559.

6.6 Protection of Endangered Species

An Assessment of Potential for Occurrence of State and Federally Listed Threatened and Endangered Species indicates a low potential for occurrence of the Texas horned lizard and the Texas tortoise. The information provided in Part II, Attachment 6 of the application concludes that construction and operation of the facility would not result in the destruction or adverse modification of the critical habitat of state or federally listed threatened or endangered species. In a letter dated January 20, 2012, the Texas Parks and Wildlife (TPWD) provided recommendations for the design and operation of the proposed facility. The applicant has agreed to follow the TPWD recommendations.

**7.0 TRANSPORTATION AND ACCESS**

The primary access to the site is through Interstate Highway I-10 to FM 1104 to FM 1150 to an access road on property owned by the applicant. A secondary access route expected for areas to the north and east would be I-10 to State Highway 80 to FM 1150 to the access road. Direct access to the site is from an all-weather surfaced, private road on property owned by the applicant. Information provided in the application indicates that traffic will, in the first year of waste acceptance, increase from 164 vehicles per day (vpd) to 716 vpd on FM 1104 and from 153 vpd to 734 vpd on FM 1150. TxDOT staff concluded that once proposed roadway improvements (provided in Part II, Appendix 4A of the Permit Application) are complete, the roads used to access the facility should be adequate for the expected traffic volumes for the expected life of the facility. All roadway improvements Specified in Part II, Appendix 4A of the Permit Application must be implemented before waste may be accepted, as noted in Draft Permit Special Provision 5.

**8.0 SURFACE WATER PROTECTION**

As defined in 30 TAC §330.3(36), contaminated water is leachate, condensate, and water that has come into contact with waste. Storm water that comes into contact with solid waste is contaminated water. Temporary berms will be constructed to minimize the amount of surface water that comes into contact with waste. Contaminated storm water at the working face will be contained by berms. Contaminated surface water will not be placed in or on the landfill. Other than some leachate and condensate, which the application proposes to recirculate within the waste, contaminated water will be evaporated in an on-site lined pond or transported to an authorized facility for treatment and disposal.

**9.0 GROUNDWATER PROTECTION**

9.1 Groundwater Protection:

The liner system and leachate collection system will provide protection of groundwater from contamination.

9.2 Monitoring Wells:

The groundwater monitoring system, which will provide for early detection of potential releases from the facility, will consist of 96 monitor wells. The groundwater monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Groundwater Sampling and Analysis Plan, which is Part III, Attachment 5 of the Permit Application.

9.3 Existing Water and Oil and Gas Wells

Water wells and wells under the jurisdiction of the Railroad Commission of Texas (RRC) must be properly capped, plugged, and abandoned in accordance with applicable regulations, before physical construction may comment, as noted in Draft Permit Special Provisions 1 and 2.

**10.0 LANDFILL GAS MANAGEMENT**

Landfill gas migration will be monitored around the perimeter of the facility utilizing permanent landfill gas monitoring probes. TCEQ regulations require that gas monitoring be conducted at least quarterly to detect any possible migration of methane gas beyond the perimeter monitoring system and in enclosed structures within the facility property boundary.

**11.0 SITE DEVELOPMENT PLAN AND SITE OPERATING PLAN**

The Site Development Plan (SDP) is Part III of the permit application and provides the design and other technical aspects of the facility. The Site Operating Plan (SOP) is Part IV of the permit application. The SOP provides operating procedures for the site management and the site operating personnel for the daily operation of the facility to maintain the facility in compliance with the design and applicable regulatory requirements. These documents become part of the permit, if issued.

**12.0 FINANCIAL ASSURANCE**

If the application is determined to be acceptable, authorization to operate this facility would be contingent upon the maintenance of financial assurance in accordance with 30 TAC Chapters 330 and 37, Financial Assurance, and the provisions contained in the MSW permit.

**13.0 PUBLIC PARTICIPATION PROCESS**

The public can participate in the final decision on the issuance of a permit as follows:

- 13.1 The TCEQ will hold a public meeting if the executive director determines that there is substantial public interest in the application or if requested by a local legislator. During this meeting the commission accepts formal comments on the application. There is also an informal question and answer period. Public meetings were held on April 24, 2012, and March 6, 2013.
- 13.2 Technical review of the application is completed, a final draft permit is prepared, and the application is declared technically complete. Information for the application, the draft permit, the notice, and summaries are sent to the chief clerk's office for processing.
- 13.3 The "Notice of Application" is sent to the applicant and published in the newspaper. This notice provides a 30-day period, from the date of publication, for the public to make comment(s) about the application or draft permit. The notice also allows the public to

request a public meeting for the proposed facility.

- 13.4 After the 30-day comment period has ended, a “Response to Comments” (RTC) is prepared for all comments received through the mail and at a public meeting. The RTC is then sent to all persons who commented on the application. Persons who receive the comments have a 30-day period after the RTC is mailed in which to request a public hearing.
- 13.5 After the 30-day period to request a hearing is complete, the matter is placed on an agenda meeting for the TCEQ commissioners to make a determination to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.
- 13.6 A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant party(ies) present witnesses and testimony to support or dispute information contained in the application. When all of this is complete, the ALJ will issue a Proposal for Decision (PFD). This PFD is placed on an agenda meeting of the TCEQ commissioners for consideration of issuance or denial of a permit.
- 13.7 After the commission has approved or denied an application, a motion for rehearing may be made by a party that does not agree with the decision. Any motion for rehearing must be filed no later than 20 days after the party or the party’s attorney of record is notified of the decision. The matter could be set on another agenda for consideration by the commission, or allowed to expire by operation of law.
- 13.8 Applications for which no one requests a contested case hearing are considered uncontested matters after the 30-day comment period. The application is placed on the executive director’s signature docket and a permit is issued. Any motion to overturn the executive director’s decision must be filed no later than 23 days after the agency mails notice of the signed permit.

#### **14.0 ADDITIONAL INFORMATION**

For information concerning the regulations covering this application, contact the Municipal Solid Waste Permits Section:

Mr. Steve Odil, P.E.  
Municipal Solid Waste Permits Section, MC 124  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711  
(512) 239-4568

For more detailed technical information concerning any aspect of this application or to request a copy of the Site Development Plan, please contact the consulting engineer or the applicant at the address provided at the beginning of this summary.

The application can be viewed on the internet at the following location.

[http://www.tceq.texas.gov/permitting/waste\\_permits/msw\\_permits/msw\\_posted\\_apps.html](http://www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw_posted_apps.html)

For information concerning the legal aspects of the hearing process, agency rules, and submitting public comments, please contact the Texas Commission on Environmental Quality’s Office of the

Public Interest Counsel at (512) 239-6363.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN604018655, RN106314990, Rating Year 2014 which Includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN604018655, Post Oak Clean Green, Inc. **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN106314990, POST OAK MUNICIPAL SOLID WASTE LANDFILL **Classification:** UNCLASSIFIED **Rating:** -----

**Complexity Points:** 4 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 7787 FM RD 1150 SEGUIN, TX 78155, GUADALUPE COUNTY

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**  
MUNICIPAL SOLID WASTE DISPOSAL PERMIT 2378

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** December 10, 2014

**Agency Decision Requiring Compliance History:** Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

**Component Period Selected:** December 10, 2009 to December 10, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** BOBBIE ROGANS

**Phone:** (512) 239-6197

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A



**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# Texas Commission on Environmental Quality

## Executive Director's Preliminary Decision

January 12, 2015

### DESCRIPTION OF APPLICATION

Applicant: Post Oak Clean Green, Inc.  
Facility: Post Oak Municipal Solid Waste Landfill  
Municipal Solid Waste Permit Application No. 2378  
Type: Type I Municipal Solid Waste Landfill

### EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

The executive director of the Texas Commission on Environmental Quality has made the preliminary decision that this proposed MSW Permit No. 2378, for Post Oak Clean Green, Inc., if issued, meets all statutory and regulatory requirements.