

# Western Region Solid Waste Capacity Policy Advisory Group (PAG)

September 14, 2022

<https://nctcog.org/westernsolidwaste>

# Agenda

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1. **Open Meeting and Quorum**
2. **Approve Minutes & Meeting Summary: June 16, 2022**
3. **Approve Nominations**
4. **Presentation: *Overview of TCEQ's Municipal Solid Waste Permitting Process***
  - ▶ **Kristen Hernandez, Environmental Permit Specialist III, MSW Permits Section, TCEQ**
5. **General Discussion: Short-Term and Long-Term Goals of PAG**
6. **Roundtable on Community Events or Public Information Programs**
7. **Next Meeting – Proposed for December 14, 2022.**

# Open Meeting and Quorum

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- PAG Member Roll Call (Voting and Non-voting Members)
  - Please unmute and say “Here” or “Present” during roll call. Thank you.
- Guests will be asked to introduce themselves after the member roll call by either unmuting or by writing their name and entity in the chat.
- Thank you for attending today!

# Action Items

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**Meeting Summary.** The [June 16, 2022 meeting summary](#) will be presented for approval.

➤ Voting members: Please unmute to vote.

# Action Items

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**PAG Nominations.** The nomination forms for PAG voting membership received since the last meeting will be considered by the PAG for approval.

➤ **Shannon Dubberly, Keller City Councilman, Place 1, City of Keller.**

Membership Category: Cities/Towns, Medium to Large (35,001– 75,000)

➤ **Gregory Van Nieuwenhuize, Public Works Director, City of Haltom City.**

Membership Category: Cities/Towns, Medium to Large (35,001– 75,000)

➤ Voting members: Please unmute to vote.

➤ New members are welcome to introduce themselves.

# Presentation

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## **Overview of TCEQ's Municipal Solid Waste Permitting Process**

Kristen Hernandez, TCEQ, will review the regulatory steps and timing involved in permitting a landfill in Texas.

# OVERVIEW OF TCEQ'S MUNICIPAL SOLID WASTE PERMITTING PROCESS

SEPTEMBER 14, 2022

KRISTEN A. HERNANDEZ

MUNICIPAL SOLID WASTE SECTION



# AGENDA

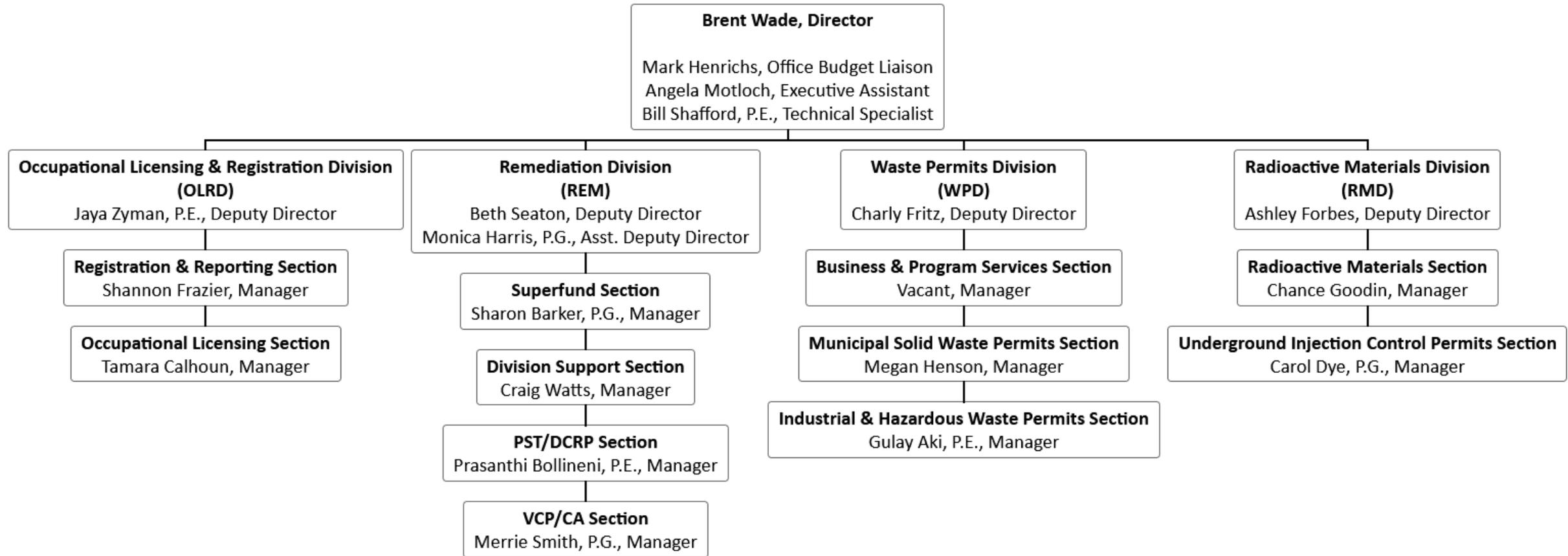
- Introduction
- Look at MSW
  - Regulations
  - Authorization Types
  - Permits v. Registrations
- Application Process
  - Registrations
  - Permits
- Application Examples

# INTRODUCTION

The Waste Permits Division is responsible for permitting and registering facilities that are involved in one or more of the following activities: storing, processing, or disposing of hazardous waste, non-hazardous industrial waste, municipal solid waste, special waste, and international waste. The division also performs technical analysis of notifications for waste management and submittals from regulated entities.



# ORGANIZATION CHART



# REGULATIONS



Chapter 305 – Consolidated Permits



Chapter 326 – Medical Waste Management



Chapter 328 – Waste Minimization and Recycling



Chapter 330 – Municipal Solid Waste



Chapter 332 – Composting

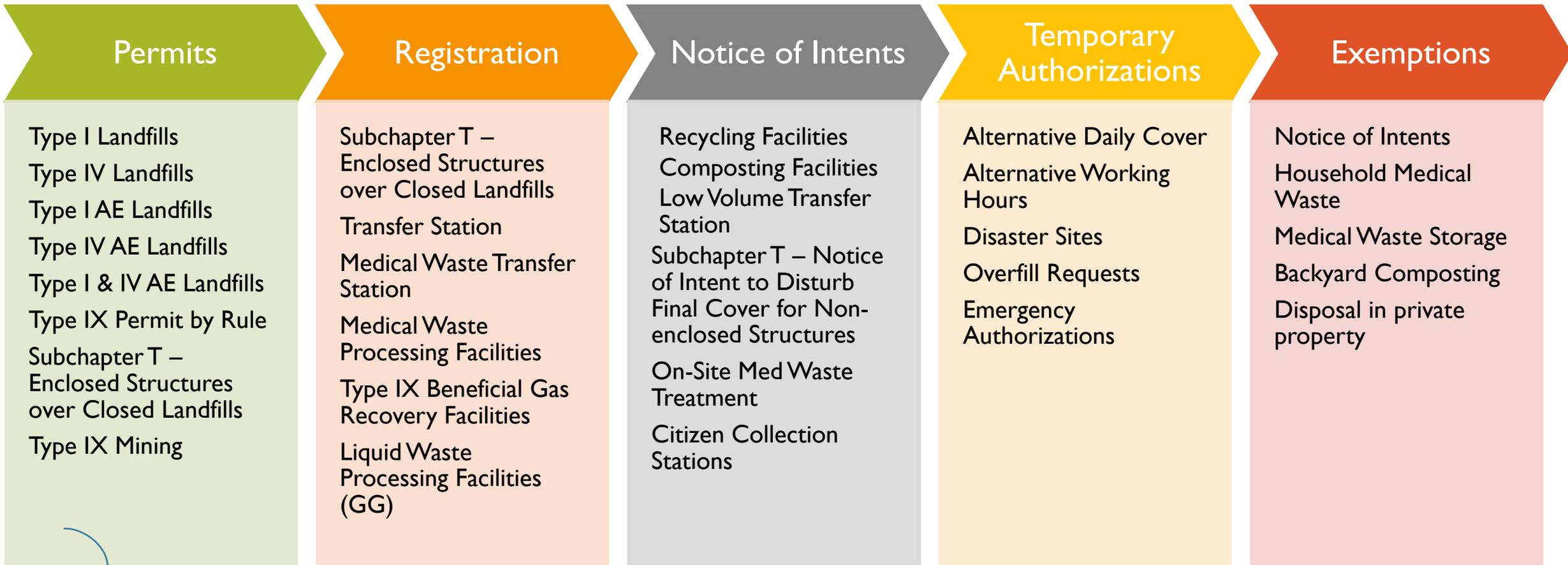


Chapter 335 – IHW & Municipal Hazardous Waste



Chapter 350 – Texas Risk Reduction Program

# MSW AUTHORIZATIONS



Special Waste Requests  
Begin Accepting Waste at New Facility

## DIFFERENCES: PERMIT

A permitted landfill is a type of municipal solid waste landfill that received a permit from the State of Texas to operate and has not completed post-closure operations. [[30 TAC 330.3\(105\)](#)]

Transfer Stations can be permitted if they do not meet the qualifications for a registration.

### Permits

- Type I Landfills
- Type IV Landfills
- Type I AE Landfills
- Type IV AE Landfills
- Type I & IV AE Landfills
- Type IX Permit by Rule
- Subchapter T –  
Enclosed Structures  
over Closed Landfills
- Type IX Mining

# DIFFERENCES: REGISTRATION

- Registration requirements for an MSW transfer station facility:
  - (1) a municipality with a population of less than 50,000;
  - (2) a county with a population of less than 85,000;
  - (3) a facility used in the transfer of MSW that transfers or will transfer 125 tons per day or less; or
  - (4) a transfer station located within the permitted boundaries of an MSW Type I or Type IV facility as specified in §330.5(a) of this title (relating to Classification of Municipal Solid Waste Facilities).

[[30 TAC 330.9\(b\)](#)]

## Registration

Subchapter T –  
Enclosed Structures  
over Closed Landfills  
Transfer Station  
Medical Waste Transfer  
Station  
Medical Waste  
Processing Facilities  
Type IX Beneficial Gas  
Recovery Facilities  
Liquid Waste  
Processing Facilities  
(GG)

## BREAKDOWN FOR INCREASING CAPACITY: PERMITS



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\(k\)](#).

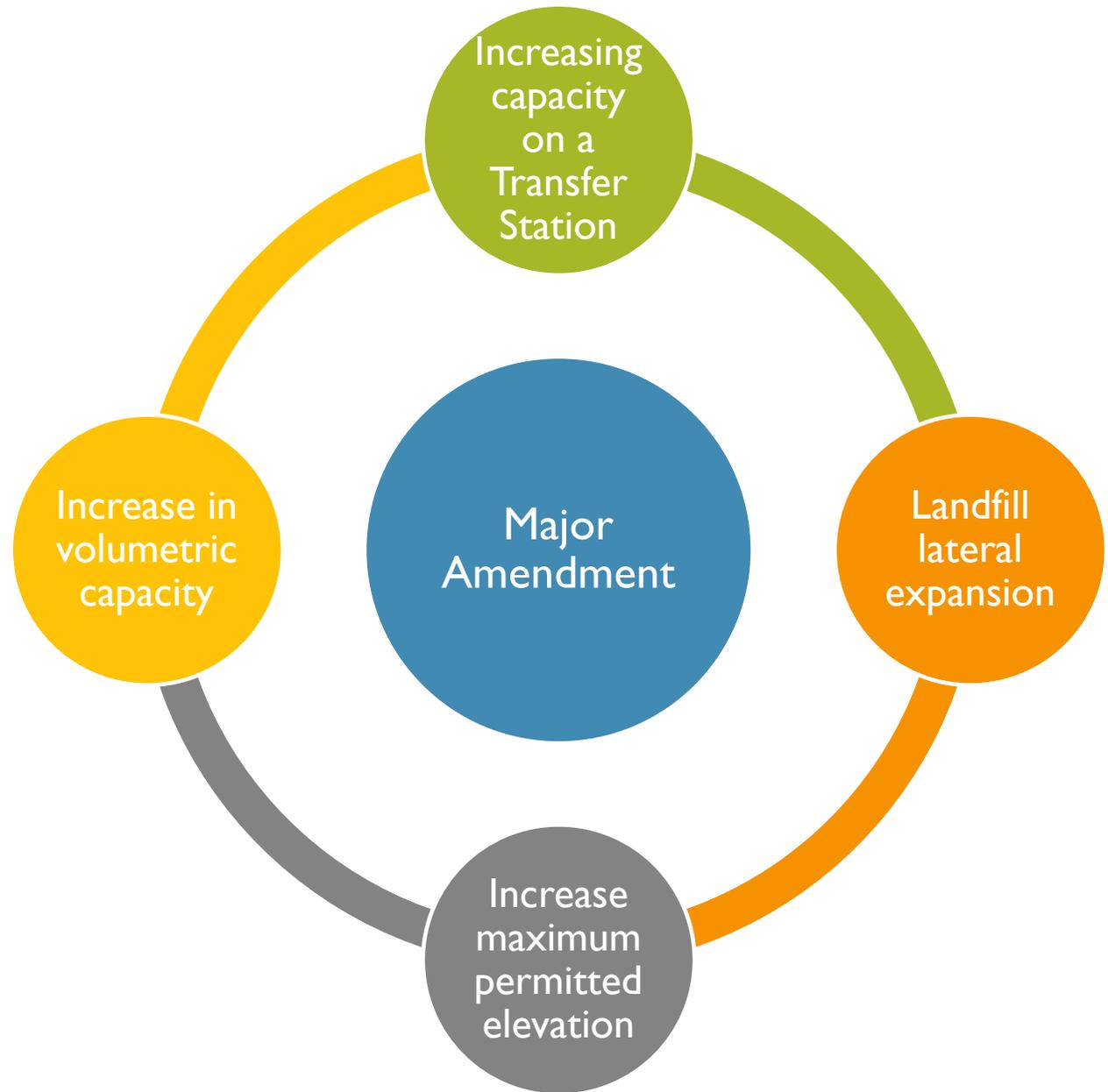


On the other hand, a permitted transfer station would require a major amendment if they wanted to increase capacity.



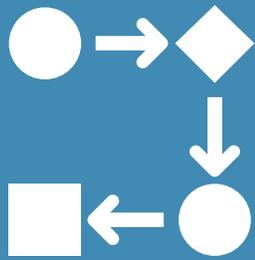
A major amendment is an amendment that changes a substantive term, provision, requirement, or a limiting parameter of a permit. [[30 TAC 305.62\(c\)\(1\)](#)].

# BREAKDOWN OVERVIEW



# BREAKDOWN FOR INCREASING CAPACITY: REGISTRATIONS

- If a registered facility wanted to increase capacity, and no longer met the requirements to be considered a registration, then they would need to apply for a major amendment.
  - The facility would go from a registration number to a permitted number.
  - The registration number would be revoked once the permit number is issued.
- If the registered facility still met the requirements and wanted to increase capacity, then they would need to apply for a new registration.
  - Once issued and active, the old registration number would be revoked.



# APPLICATION PROCESS

## Preliminary Initial Review ~1 month

- Core Data Form
- Website Posting
- Application Fee
- Complete Application Form
- Complete Maps
- Issues Registration No.

## Initial Technical Review

- Reviews Submittal ~3-4 months

## Declaration of Technical Completion and Final Action ~1 month

- Moves to Executive Director

## Application Determined Preliminary Complete

Notice of Application and Opportunity to Request a Public Meeting (NAORPM) gets published.

## Notice of Deficiency (NOD) Process

- Applicant submits revisions based on NOD comments.

Response to Comments is written and mailed to commenters.

## REGISTRATIONS

~6 months – 1 year

Timeframe in rule – 230 days

~3-4 months

Public Meeting is held if requested.

Preliminary Admin Review

Initial Technical Review

SB 709 Notice to Legislators

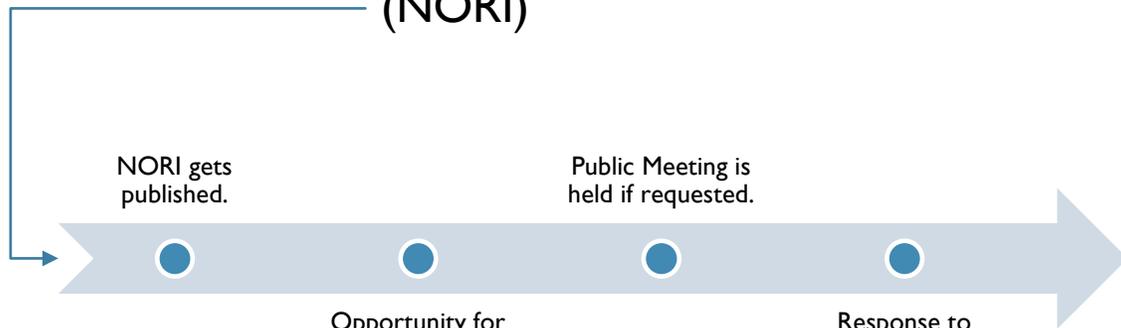
Declaration of Technical Completion and Final Action



Notice of Receipt of Application and Intent to Obtain MSW Permit (NORI)

Notice of Deficiency (NOD) Process

Notice of Application and Preliminary Decision (NAPD)

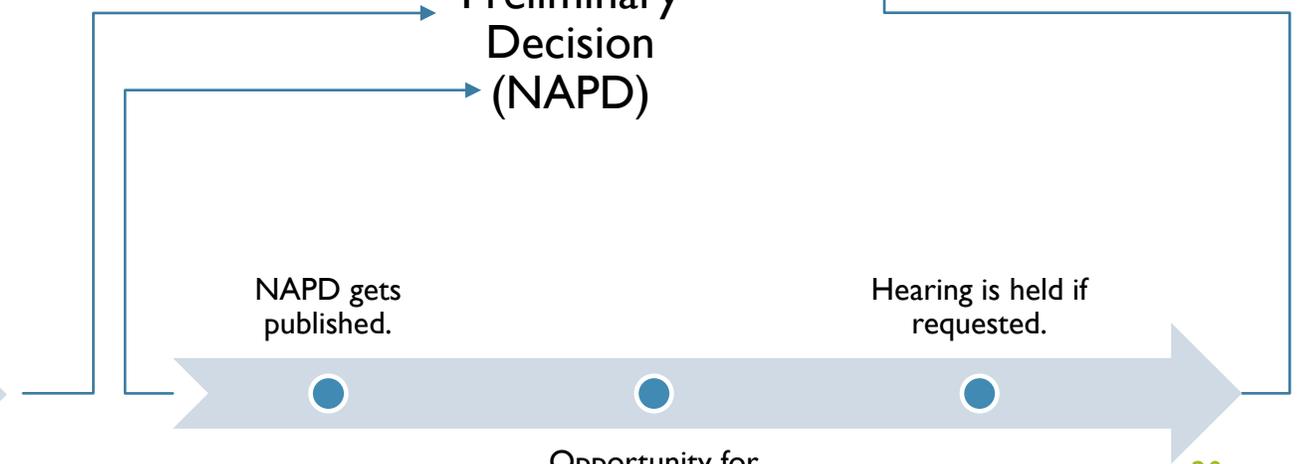


NORI gets published.

Public Meeting is held if requested.

Opportunity for Public Meeting

Response to Comments is written and mailed to commenters.



NAPD gets published.

Hearing is held if requested.

Opportunity for Contested Case Hearing

# PERMITS

Preliminary  
Admin  
Review

~1 month



Technical  
Review

~6 months – 1 year



SB 709  
Notice to  
Legislators



Declaration  
of Technical  
Completion  
and Final  
Action

~1 month



Notice of  
Receipt of  
Application  
and Intent to  
Obtain MSW  
Permit  
(NORI)

~3-4 months

Notice of  
Deficiency  
(NOD)  
Process

Notice of  
Application  
and  
Preliminary  
Decision  
(NAPD)

~6 months

## PERMITS

Minimum 12 months

Timeframe in rule – 360 days

# REASONS FOR LONGER TIMEFRAMES

01

Incomplete information for administrative review

02

Incomplete or insufficient information for technical review

03

Coordination with other agencies

04

More than one public meeting

05

Hearing takes longer than expected

06

Possible second hearing



# APPLICATION EXAMPLES

Preliminary  
Admin  
Review

- Received:  
4/27/2001

Technical  
Review

Notice of Application  
and Preliminary Decision  
(NAPD)

- Referred: 5/30/2002
- Hearing 8/13/2002
- RTC: 3/10/2003
- SOAH Order:  
10/29/2003

Notice of Receipt  
of Application and  
Intent to Obtain  
MSW Permit  
(NORI)

- Notice Published:  
5/31/2001
- Public Meeting  
Held

Notice of  
Deficiency  
(NOD)  
Process

Declaration  
of Technical  
Completion  
and Final  
Action

- Issued:  
1/8/2004

**PERMIT 2294**  
**121 REGIONAL DISPOSAL FACILITY**

Preliminary Admin Review

- Received: 6/7/1999

Technical Review

Notice of Application and Preliminary Decision (NAPD)

- Notice Published: 10/7/2000
- SOAH Hearing: 3/28/2001
- SOAH Order: 3/26/2003

Notice of Receipt of Application and Intent to Obtain MSW Permit (NORI)

- Notice Published: 9/7/1999
- Public Meeting: 4/25/2000

Notice of Deficiency (NOD) Process

Declaration of Technical Completion and Final Action

- Issued: 5/13/2003

PERMIT 2278 OSTTEND LANDFILL

Preliminary  
Admin  
Review

- Received:  
8/30/2019

Technical  
Review

Notice of Application  
and Preliminary Decision  
(NAPD)

- Notice Published:  
5/26/2020
- RTC: 7/31/2020

Notice of Receipt  
of Application and  
Intent to Obtain  
MSW Permit  
(NORI)

- Notice Published:  
10/26/2019

Notice of  
Deficiency  
(NOD)  
Process

Declaration  
of Technical  
Completion  
and Final  
Action

- Issued:  
10/1/2020

PERMIT 1417C TURKEY CREEK LANDFILL



# COG 4 CAPACITY

### COG 4: North Central Texas Council of Governments—List of Landfills

COG	Permit	Site Name	County	Type	2021 Tons	Rem Yds	Rate	Rem Tons	Rem Yrs
4	2278	Osttend C and D Waste Landfill	Collin	4	297,484	11,199,342	946	5,297,289	18
4	2294	121 Regional Disposal Facility	Collin	1	962,918	111,483,408	1,214	67,670,429	70
4	42D	Waste Management Skyline Landfill	Dallas and Ellis	1	1,825,949	35,711,480	1,460	26,069,380	14
4	62	City of Dallas McCommas Bluff Landfill	Dallas	1	1,618,387	71,359,897	1,469	52,413,844	32
4	996C	City of Grand Prairie Landfill	Dallas	1	265,881	10,022,675	1,437	7,201,292	30
4	1394B	Hunter Ferrell Landfill	Dallas	1	179,271	11,514,499	978	5,630,590	31
4	1895A	Charles M Hinton Jr Regional Landfill	Dallas	1	590,343	26,140,325	1,469	19,200,069	33
4	1025B	DFW Recycling and Disposal Facility	Denton	1	728,907	2,244,584	1,720	1,930,342	3
4	1312B	Camelot Landfill	Denton	1	808,196	31,493,685	1,623	25,557,125	32
4	1590B	City of Denton Landfill	Denton	1	436,674	45,110,544	1,276	28,780,527	66
4	1749B	Lewisville Landfill	Denton	4	13	20,012,642	1,698	16,990,733	100
4	1209B	CSC Disposal and Landfill	Ellis	1	12	30,963,658	1,051	16,271,402	100
4	1745B	Ellis County Landfill	Ellis	1	172,957	38,235,976	1,363	26,057,818	150
4	664	City of Stephenville Landfill	Erath	4	16,434	705,115	1,200	423,069	25
4	1195B	Republic Maloy Landfill	Hunt	1	158,802	34,198,314	1,270	21,715,929	100
4	534	City of Cleburne Landfill	Johnson	1	372	13,341	1,000	6,671	14
4	1417C	Turkey Creek Landfill	Johnson	1	676,662	8,443,013	1,700	7,176,561	13
4	2190	City of Corsicana Landfill	Navarro	1	106,610	22,009,128	1,000	11,004,564	103
4	47A	Weatherford Landfill	Parker	1	129,803	89,288	1,500	66,966	0.5
4	218C	City of Fort Worth Southeast Landfill	Tarrant	1	761,624	18,639,267	1,571	14,641,144	20
4	358B	City of Arlington Landfill	Tarrant	1	932,000	44,008,680	1,531	33,688,645	36
4	1983D	Fort Worth C and D Landfill	Tarrant	4	470,868	9,712,125	1,242	6,031,230	12

## QUESTIONS/COMMENTS?



- Kristen A. Hernandez
- [Kristen.Hernandez@tceq.texas.gov](mailto:Kristen.Hernandez@tceq.texas.gov)
- 512-239-5090
  
- Municipal Solid Waste Permits Section
- [MSWPER@tceq.texas.gov](mailto:MSWPER@tceq.texas.gov)
- 512-239-2335
  
- Registration and Reporting Section
- [WASTEVAL@tceq.texas.gov](mailto:WASTEVAL@tceq.texas.gov)
- 512-239-6413



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# SUPPLEMENTAL INFORMATION

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## 305.130: NOTICE OF INACTIVE MSW PERMIT

- (a) The owner or operator of a permitted municipal solid waste (MSW) facility that has not accepted waste within two years of permit issuance or that has ceased accepting waste for two consecutive years shall provide notice to the public as specified in §39.510 of this title (relating to Notice Requirements for Inactive Municipal Solid Waste Permit) of the following:
  - (1) the permitted facility may begin construction or operation at a future time; and
  - (2) the date that the facility is expected to begin construction and operations.
- (b) The public notifications in subsection (a)(1) and (2) of this section are required on an annual basis following the second anniversary date of permit issuance, date the facility ceased accepting waste, or the effective date of this section, whichever is later, until waste acceptance begins or resumes.
- (c) The notice requirements of this section are applicable to MSW permits issued:
  - (1) on or after the effective date of this section; and
  - (2) before the effective date of this section.
- (d) For the purposes of this section, permit issuance means the date that the permit is issued by the commission or the date of a final, non-appealable decision regarding the permit

## 330.71: DURATION AND LIMITS OF REGISTRATIONS & PERMITS

- a) The executive director shall, after review of any application for registration, approve or deny an application in whole or in part. This action shall be based on whether the application meets the requirements of this chapter.
- (b) Except as provided in subsection (f) of this section for demonstration facilities, a registration or permit is normally issued for the life of the facility but may be revoked, amended, or modified at any time if the operating conditions do not meet the minimum standards set forth in this chapter or for any other good cause.
- (c) When deemed appropriate a registration or permit may be issued for a specific period of time. When an owner or operator has made timely and sufficient application for the renewal of a registration or permit, the existing registration or permit does not expire until the application has been finally determined by the commission.
- (d) A registration or permit is issued to a specific person (see definition of person contained in §3.2 of this title (relating to Definitions)) and may not be transferred from one person to another without complying with the transfer approval requirements of the commission.
- (e) Except for transporters and mobile treatment units, a registration or permit is attached to the realty to which it pertains and may not be transferred from one facility to another.
- (f) Demonstration projects for liquid waste processing facilities shall be limited to a two-year period. Re-registration of a demonstration facility may be considered only if the new method being demonstrated is not widely used in Texas.
- **(g) If a registered facility does not commence physical construction within two years of issuance of a registration or within two years of the conclusion of the appeals process, whichever is longer, the registration shall automatically terminate and will no longer be effective.**
- (h) If a registered mobile liquid waste processing unit does not begin operation within two years of obtaining its registration, the registration shall terminate and no longer be effective.
- (i) A registration shall be considered to be a permit for purposes of revocation and denial under Chapter 305 of this title (relating to Consolidated Permits).
- (j) The owner or operator may file with the chief clerk a motion to overturn the executive director's denial of a registration under §50.139 of this title (relating to Motion to Overturn Executive Director's Decision).

# General Discussion

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## Short-Term and Long-Term Goals of the Western Region PAG and a Path for Getting There.

### a. Organization Goals and Objectives

- Are the Alternatives in the Western Region Solid Waste Capacity Study the PAG's immediate goals?

(Alternatives listed on next slide.)

- Are there other goals of the group?
- What needs to take place to turn goals into projects?

# General Discussion

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## ► Ten Alternatives

### Ten Alternatives Analyzed in Waste Capacity Study

Formalize the Policy Advisory Group

Establish a Solid Waste Management Agency

Public Information Programs

Regional Recycling Programs

More Convenience Stations and Recycling Centers

Enhance Brush and Sludge Disposal (Organics)

Multi-City, Cooperative Waste Collection

Cooperative Management of Disaster Debris

Increase Transfer Station Capacity

Increase Landfill Capacity

# General Discussion

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## Short-Term and Long-Term Goals of the Western Region PAG and a Path for Getting There.

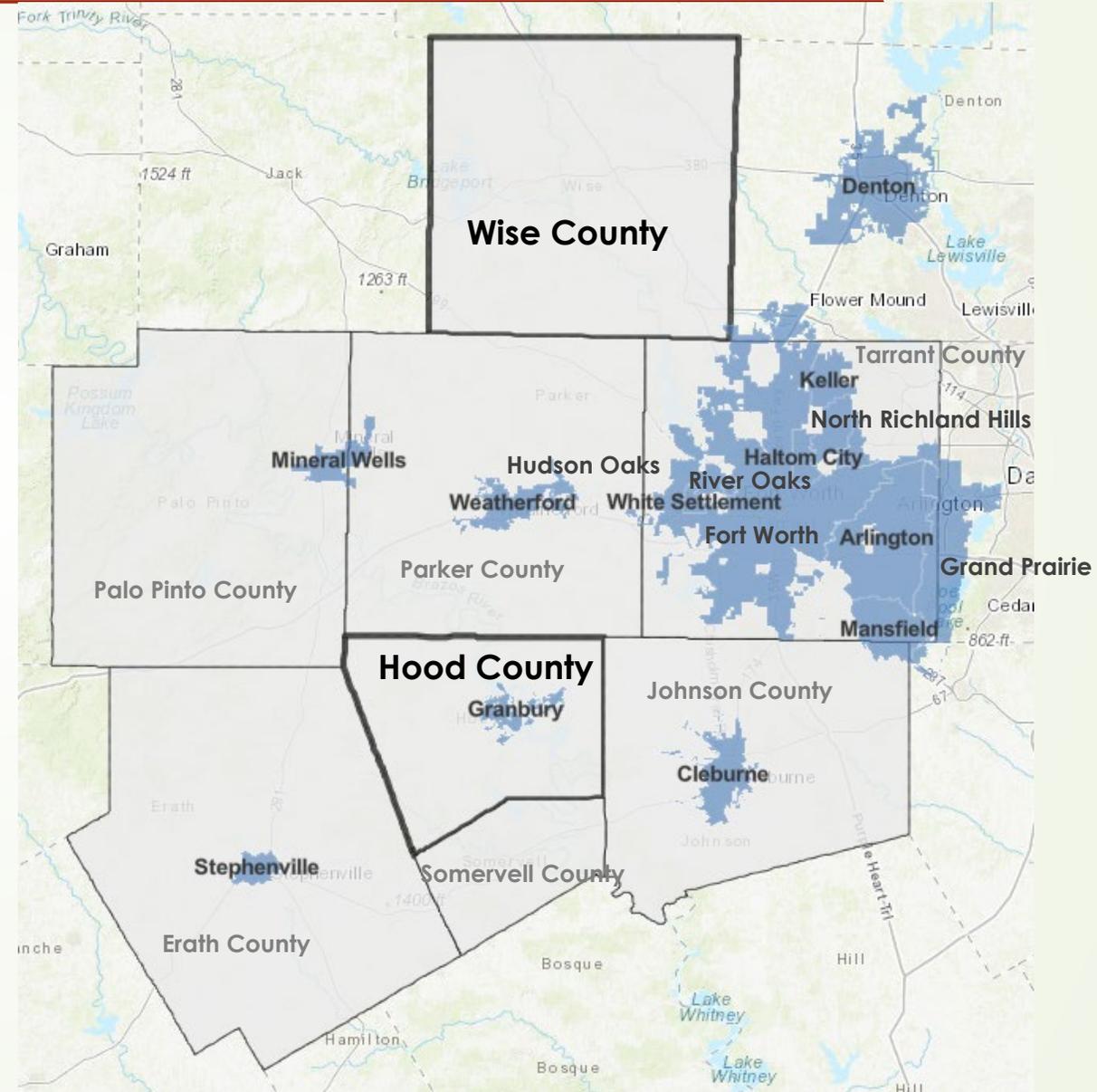
### b. Membership, Representation, and Vacancies

- Hear new requests for membership for vacancies
- Map or representation and PAG structure (next 2 slides)

# Map of PAG Representation

➤ **18 Voting Members** (16 cities/towns and 2 counties, as of 9/9/22)

- Hood County
- Wise County
- City of Hudson Oaks
- City of River Oaks
- City of Granbury
- City of Mineral Wells
- City of White Settlement
- City of Stephenville
- City of Weatherford
- City of Cleburne
- City of Hurst
- City of Keller
- City of North Richland Hills
- City of Mansfield
- City of Fort Worth
- City of Arlington
- City of Grand Prairie
- City of Haltom City



# PAG Membership (33 Seats)

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## Counties: (6 vacancies)

Hood County

Wise County

## Cities/Towns

### **Small (8,000 or less) – 5 vacancies**

Hudson Oaks

River Oaks

### **Small to Medium (8,001 – 30,000) – 3 vacancies**

Granbury

Mineral Wells

White Settlement

Stephenville

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### **Medium to Large (30,001 – 75,000) – 1 vacancy**

Weatherford

Cleburne

Hurst

Keller

North Richland Hills

Haltom City

### **Large (75,001 or greater) – No vacancies**

Mansfield

Grand Prairie

Arlington

Fort Worth

# General Discussion

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## Short-Term and Long-Term Goals of the Western Region PAG and a Path for Getting There.

### b. Membership, Representation, and Vacancies

- Establish a Membership Committee
  - Elect Chair
  - Define framework of committee
- Discuss passing of nomination forms from NCTCOG to PAG officers.

# General Discussion

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## Short-Term and Long-Term Goals of the Western Region PAG and a Path for Getting There.

### b. Membership, Representation, and Vacancies

- Establish an Education Committee
  - Elect Chair
  - Define framework of committee
  - Future speaker topic requests (Ideas on next slide)

# Future Speaker Topic Requests

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## Ideas

- Topic related to an Alternative (from Western Region Solid Waste Capacity Study)?
- Waco Landfill's Permit Process? (Representative from City of Waco already agreed to come to an upcoming meeting – NCTCOG can help coordinate)
- Recycling Markets?
- Bipartisan Infrastructure Law Opportunities? (NCTCOG can help coordinate)
- Others?

# Roundtable

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Community events or public information programs to share?

# Next Meeting

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**Thursday, December 14**

a.m. or p.m.?

Location TBD

**Adjournment**

# Western Region Solid Waste Capacity PAG

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## Contacts

### Officers

Chair - Dustin Deel, City of Weatherford

Vice-Chair – Joey Highfill, Wise County

Secretary – Billy Owens, City of North Richland Hills