Mr. James M. Parks  
Executive Director  
North Texas Municipal Water District  
P.O. Box 2048  
Wylie, Texas 75092

Re:  Lookout Drive Transfer Station - Collin County  
Municipal Solid Waste (MSW) - Permit No. 53A  
Major Amendment Application - Notice of Deficiency (NOD)  
Tracking No. 15004597; CN601365448/RN1027778438

Dear Mr. Parks:

The MSW Permits Section has completed a technical review of the major amendment application. The application was prepared by CP&Y, Inc. on behalf of North Texas Municipal Water District (NTMWD) and was received on October 26, 2011 and declared administratively complete on November 15, 2011. Additional information must be presented to demonstrate compliance with Title 30 Texas Administrative Code (30 TAC) Chapter 305 and Chapter 330. The information requested below is necessary for a complete permit application and must be addressed prior to further technical review. When making revisions to maps, drawings, and figures which are replicated throughout the application, each map, drawing, and figure needs to be revised throughout the application.

PART I OF THE APPLICATION

1. The permit boundaries for three phases of the facility are depicted in Attachments III-o-1, III-o-2, and III-o-3. Please identify the transfer station building(s), roads, and all other items depicted in the drawings.

2. Please provide a map fulfilling the requirements in 30 TAC Section (§)330.59(c)(2) or identify the specific location in the application where this map can be found.

3. In accordance with §330.59(a)(1), please provide all items required by §281.5 and §305.45. Otherwise, please identify specifically where in the application each item can be found. Section C of the Part I form also needs to be revised to identify the specific locations in the application where this information can be found.

4. The City of Richardson owns part of the property on which the new facility will be located. A property owner affidavit needs to be provided signed by the appropriate representative of the City of Richardson as required by §330.57(d).

5. Section 5 (Legal Authority) - Please clarify that NTMWD is the sole owner of the facility or list all persons having over a 20% ownership in the facility [§330.59(e)].

6. Please provide maps or identify the maps in the application which provide the information required in §305.45(a)(6)(A) through (C).
7. Please provide a list of all permits and approvals received or applied for as identified in §305.45(a)(7).

8. Appendix I-A (Metes and Bounds) - Two metes and bounds descriptions are provided. Please state on each page which phase is represented. Much of the information on the drawing for Phase 2 is unreadable. Please provide a readable drawing of the metes and bounds and legal description for Phase 2.

PART II OF THE APPLICATION

1. Section 3 (Waste Acceptance Plan) needs to be revised to identify all wastes streams to be accepted (e.g., used oil, recyclables, white goods, etc). Also, please describe and identify all waste storage and processing areas, not just the tipping floor, and be sure all waste storage and processing areas are identified on the site layout plan.

2. It is stated that a maximum of 1500 tons/day and an annual average of 750 ton/day of waste will be received and the storage capacity of the building is at least 900 tons of waste. It appears that these waste amounts may account for only waste received at the tipping floor. Please provide this information for all wastes received and all waste storage/processing areas.

3. In Section 3, it is stated that special wastes will not be accepted at the facility except for used oil. Please delete the sentence which states, “However, special wastes may be received in small quantities ...

4. On Attachment II-1, it is stated that three structures are located within 500 feet of the permit boundary, and they can be accurately seen on Attachment II-5. These structures are not identified in Attachment II-5, and because of the small scale they cannot be accurately seen. Please identify all structures and inhabitable buildings within 500 feet of the permit boundary [§330.61(c)(3)].

5. The General Location Map in Attachment II-2 is not complete. A map legend needs to be provided, and the roads, etc. need to be identified. Please explain what is meant by the note which states, “Additional information required on this map can be found on Drawing ATT II-1 General Location Map” or delete the note.

6. Attachments II-1 and II-3 do not appear to show and identify all information required by §330.61(c)(4), (c)(5), (c)(7), and (c)(10). Please provide this information and revise these attachments as necessary.

7. In Section 9.4, it is stated that the most proximate residence is 625 feet north of the permit boundary on Braeburn Drive and the most proximate business establishment is 100 feet west of the permit boundary. Please clearly identify these entities on a map.

8. Attachment II-3 is the facility layout for Phase 2. Please provide a facility layout for each phase (Phases 1, 2, and 3).

9. Please revise the land use map in Appendix II-H to comply with the color coding requirements in §330.57(h)(1). Color coding is very beneficial, and it is recommended that patterns be added to differentiate the various land uses.

10. Section 10 (Transportation) - Please provide the gross vehicular weight limit for the roads used to access the facility and provide the maximum weight of a fully loaded vehicle accessing the facility.
11. In Section 10, it is stated that primary access to the site will be along N. Plano Road and E. Lookout Drive. Please identify all roads within 1 mile of the site which will be used to access the facility.

12. In Appendix II-I (Transportation Study), the maps need to be revised to identify the roads referenced in the study and used to access the facility within one mile.

13. Section 14 (Floodplains and Wetlands) - It is explained that the removal of Tract 2 from the Special Flood Hazard Area (SFHA) has been conditionally approved by the Federal Emergency Management Agency (FEMA). Upon completion of site grading, a Letter of Map Revision based on Fill (LOMR-F) will be submitted to FEMA to remove Tract 2 from the SFHA. It is further stated that based upon current FEMA approvals and the most current Flood Insurance Rate Map, the areas for development of the proposed facility will not be within the 100 year floodplain. Please indicate on a facility map the location of the 100 year floodplain, the SFHA, the area affected by the LOMR-F, and all facility development.

14. Appendix II-A (Floodplain Determination)
   a. Please provide a legend for Exhibits 2 and 4 which define the zones.
   b. Exhibit 3 is unreadable because of the small scale. Please provide a larger version of Exhibit 3 which is clear and legible.

15. A wetlands determination and a threatened and endangered species determination are addressed in the reports in Appendix II-B. Please identify the person(s) preparing the Endangered and Threatened Species Report and the Wetlands Report.

16. On a map in Appendix II-B, it is stated that the proposed and existing transfer stations are not located on any known wetlands. However, there are at least two wetland areas identified on the map and it is not clear where the existing and proposed transfer stations are located or where the facility boundary is located. Please clarify this information on the map and provide the basis for making a wetlands determination required by §330.61(m)(3).

17. It is stated in Appendix II-B that §330.61(n)(1) does not apply to the NTMWD transfer station facility and compliance is voluntary. Please be advised that §330.551 regarding endangered and threatened species does apply to the NTMWD transfer station facility. Please revise Appendix II-B accordingly.

PART III OF THE APPLICATION

1. The description of the development phases/phasing needs substantial revision. When making revisions, please know that Permit No. 53 will be replaced by Permit No. 53A, if issued; the TCEQ does not revise ownership information or other parts of the application on behalf of the applicant; and all phases of development (Phase 1, 2, and 3) are part of the approved application and Permit No. 53A and are enforceable by the TCEQ. The description of the development phases/phasing needs to be revised throughout the application.

2. Part III needs to be revised to clearly indicate in the text and on the drawings/maps which phase or phases are represented. It should be clear in the application which phase or phases are being discussed in the text and represented on the drawings/maps.

3. Section 3.1 (Facility Access) - Please describe the type and location of the fence(s) used to control access to the facility [§330.63(b)(1)].
4. Please provide a flow diagram indicating the storage, processing, and disposal sequences for the various types of wastes received [§330.63(b)(2)(A)]. Please be sure all waste streams are identified.

5. Please revise Section 3.2 (Waste Movement) to address recyclables, used oil, and all other waste streams not identified.

6. Section 3.2.3 (General Construction Details) - Please revisit this section and be sure to provide generalized construction details of the facility for all storage and processing units and ancillary equipment (i.e., tanks, foundations, sumps) with regard to dimensions, capacities, construction materials, vents, covers, enclosures protective coatings of surfaces, slabs, subsurface supports, etc. [§330.63(b)(2)(D) and (E)].

7. In Section 3.2.3, please delete the word “conceptual” in the second sentence.

8. Section 3.2.4 (Storage of Grease, Oil, and Sludge) - It is stated that the facility does not accept grease, oil, and sludge as part of normal operations; however, residents are allowed to drop off used oil and will follow permitted procedures. Please delete the statement “as part of normal operations” and specifically identify these permitted procedures. Also, please specify the ultimate disposition of the used oil off-site [§330.63(b)(2)(G)].

9. The used oil drop off area needs to be identified on Attachment III-1.

10. Section 3.3 (Sanitation) and Section 3.4 (Water Pollution Control) - Please revise these sections to address the requirements in §330.63(b)(3) and (4) for waste loading/unloading areas and waste storage areas located outside the building.

11. On the Attachments III-o-1, III-o-2, III-o-3, III-2-1, III-2-2, and III-2-3, please identify the roads, structures, buildings, etc. depicted on these drawings and include a legend.

12. All information is not legible on Attachments III-o-1, III-o-2, and III-o-3 because of the small scale, please provide drawings of sufficient size and scale so all information is clear and legible.

13. Section 4 (Facility Surface Water Drainage Report)
   a. It is stated that a total area of approximately 10.5 acres was studied. Please clarify what the 10.5 acres is intended to represent or where it is located with respect to the facility.
   b. The boundary of each drainage area is not clearly depicted in Attachments III-2-1, III-2-2, and III-2-3. Please revise these attachments to clearly show the boundary of each drainage area.
   c. The sizes of the drainage areas listed in the discharge tables do not appear to be consistent with the size of the areas as depicted in the attachments. For example, area F and area G in Phase 1 appear to be about the same size on Attachment III-2-1 but the size of area F in the table is 1.78 acres and area G is 0.58 acres. Please revise the discharge tables and/or Attachments III-2-1, III-2-2, and III-2-3.
   d. Please be sure the entire area within the permit boundary was evaluated in the drainage analysis for each phase.
   e. It is not clear how the velocity was calculated at each outfall location as described in the text and as indicated on Attachments III-2-1, III-2-2, and III-2-3. Please provide these calculations.
In several places, it is stated that the erosion control measures approved the City of Richardson will be constructed. Please fully describe what erosion control measures will be constructed for each location.

On Attachment III-2-3, please revise “Phase II” to “Phase III” in the legend.

In Appendix III-C (Drainage Calculations), design information is provided for a triangular channel and 2 pipes. Please revise Appendix III-C and Section 4 to fully describe when and where these drainage structures will be constructed. It may be necessary to include an additional drawing to illustrate the location of these structures for each outfall and phase.

The cover page of Appendix III-C needs to be signed and sealed by the licensed professional engineer.

Section 5 (Waste Management Unit Design) - This section needs to be revised to address the waste management unit design and the information required by §330.63(d) for all phases of development. Also, please be sure to provide waste management unit design information for all the waste storage and processing areas, not just the tipping floor.

Section 9.1. (Existing Transfer Station in Southern Tract) and Section 9.2. (Closure of New Transfer Station in Northern Tract) need to include and address all the requirements in 30 TAC §330.459.

Please clarify or explain the timeline referenced in Section 9.1.1 and revise Section 9.1.1 as necessary.

Section 9.1.2 and Section 9.2.2 need to be revised to state that upon notification to the executive director a sign will be placed and at the main entrance and all other frequently used points of access for the facility. In addition, please state that upon notification to the executive director (not upon closure of the tract), suitable barriers shall be installed at all gates or access points to adequately prevent the unauthorized dumping of waste (§330.461(b)).

The closure certification required by §330.461(c)(2) must include all applicable documentation necessary for certification of final facility closure. Please revise Section 9.1.2 and Section 9.2.2 accordingly.

In Section 11.1 (Closure Cost Estimate), please include the requirements in §330.505(a)(3) and (4).

Appendix III-A (Closure Cost Estimate) - Please revise the cost estimates and closure plan to include all waste storage and processing areas, not just the tipping floor.

Appendix III-B (Financial Assurance Documentation) is referenced in Section 11.3 as containing the financial assurance documentation. Appendix III-A is blank and does not contain any information. Please provide the financial assurance documentation as required by §330.505 and 30 TAC Chapter 37.

PART IV OF THE APPLICATION

Section 2 (Training Requirements) - Please clarify that at least one employee at the NTMWD Lookout Drive Transfer Station will possess a Class A or Class B license and delete the statement that the employee may not be on-site during all transfer station operating hours. Please identify the required facility personnel and their training requirements.
2. Section 3 (Waste Acceptance and Analysis)
   a. Please explain how used oil will be managed and handled at the transfer station. If used oil will be accepted to send to a recycling or processing facility, please explain.
   b. Special wastes will not be accepted at the facility except for used oil. Please delete the sentence which states, "However, special wastes may be received in small quantities …"
   c. Please delete the statement regarding the analysis of grit trap waste since grit trap waste will not be accepted at this facility.
   d. Receipt of Large Items - Please provide a maximum storage time for large items and include a statement that they will be removed as needed to prevent nuisance conditions.
   e. On page 5, please delete the statement that certification of training is not required.
   f. Section 3.A (Inspection Procedures) - Please provide the inspection and maintenance requirements in a tabular format.

3. Section 4 (Facility-Generated Wastes) - Please address the documentation requirements in 30 TAC §330.205(a) and the sludge requirements in §330.205(d). If certain requirements are not applicable, please make such a statement and explain why.

4. Section 5 (Contaminated Water Management) - Please clarify how contaminated water will be collected and discharged to the City of Richardson’s sanitary sewer system. Also please include the 200 mg/l oil and grease concentration limit and address the effluent limit requirements in the table in §330.207(g).

5. Section 6 (Waste Storage Requirements)
   a. Please revise this section to comply with all storage requirements in §330.209 and delete the sentence on page 9 stating, "This throughput is not a limiting design amount."
   b. It is stated that maximum length of time waste will remain on the tipping floor will not exceed 3 days except for extenuating emergency circumstances such as inclement weather or mechanical breakdown. The Waste Acceptance Plan in Part II states that waste will be stored a maximum of 3 days and an average of 1 day or less, and waste will not be stored overnight at the facility except for extenuating emergency circumstances. Section 6 needs to be revised to be consistent with the Waste Acceptance Plan in Part II.

6. Section 7 (Approved Waste Containers) - Please revise this section to address compliance with all the container requirements in §330.211.

7. Section 8 (Citizen's Collection Station) - Please revise this section to address compliance with all requirements in §330.213.

8. In Section 11, please include a reference to the signatory requirements in §330.219(c). Also, please clarify if the operating record will be maintained at the NTMWD administrative offices in Wylie or at the transfer station facility for the active life of the facility until after certification of closure.

9. In Section 12, please verify that the fire protection plan complies with local fire codes as required by §330.221(c).

10. Section 13 (Access Control) - Please address all the requirements as stated in §330.223(b) and (c).
11. Section 14 (Spill Prevention and Control) - Please address the facility design with respect to containing the worst case spill and any unenclosed containment areas pursuant to §330.227.

12. Section 16 (Facility Operating Hours) - Please revise the first paragraph to be consistent with the regulations as stated in §330.229(a). Please know that maximum operating hours and normal operating hours are not defined. If issued, the permit will authorize specific operating hours for waste acceptance (e.g., 7:00 a.m. to 7:00 p.m., Monday through Saturday). The facility is not required to accept waste during all of those hours. Furthermore, please know that the waste acceptance hours and the waste prohibited hours as stated in the first paragraph appear to conflict.

13. Section 18 (Materials Along the Route to the Facility) - Please clarify that on the days the facility is in operation, NTMWD will at least once per day cleanup waste materials spilled along and within the rights-of-way of public access roads serving the facility for a distance of 2 miles in either direction from any entrance used for the delivery of waste to the facility. In addition, please include the requirement to consult with the Texas Department of Transportation, etc. concerning cleanup of public access roads and rights-of-way as stated in §330.235.

14. Section 20 (Facility Access Roads) - Please address the requirements in §330.237(c).

15. Section 21 (Noise Pollution and Visual Screening) - It is stated that landscaping will be planted to assist in minimizing noise and to provide visual screening. Please provide more information on the location and type of landscaping.

16. Section 24 (Ventilation and Air Pollution Control) - Please address the requirements in §330.245(c).

The identified items of concern must be addressed prior to our determining the permit application technically complete. It is recommended that the response to this NOD letter be in the following format to ensure that the response to each and every item of concern is identified:

1) A dated cover letter transmitting the revised permit application should accompany the revised application;

2) Each item of concern should be addressed in the transmittal letter and the applicant's response to the item should be immediately following the item of concern;

3) The applicant should indicate where in the revised permit application the revisions have been made by reference to part, section, and page number; and

4) Please include an original certification statement with the revision, in accordance with 30 TAC §305.44. The certification statement should indicate the name, title, and address of the responsible official.

Please submit an original and three (3) copies of your application revisions within 54 days of the date of this letter. Your response must be in a form that allows for the replacement of application pages with the revised pages. According to 30 TAC §330.51(e)(4), revisions must have a revision date and note that the sheet is revised in the header or footer of each revised sheet or page and the revised text must be marked to highlight the revision. Failure to submit a satisfactory response to each of the noted deficiencies may result in the application being returned due to technical deficiencies.
Mr. James M. Parks  
Page 8  
January 23, 2012  

If you have any questions, please contact me at (512) 239-4519. When addressing written correspondence, please use mail code MC 124.  

Sincerely,  

Karen D. Cleveland  
Municipal Solid Waste Permits Section  
Waste Permits Division  
Texas Commission on Environmental Quality  

KDC/edm  

cc: Mr. William Hindman, CP&Y,