Mr. James M. Parks  
Executive Director  
North Texas Municipal Water District  
P.O. Box 32048  
Wylie, Texas 75092  

Re: Lookout Drive Transfer Station - Collin County  
Municipal Solid Waste (MSW) - Permit Application No. 53A  
Major Permit Amendment Application - Second Notice of Deficiency (NOD)  
Tracking Nos. 15004597, 15968202; CN601365448/RN1027778438

Dear Mr. Parks:

The MSW Permits Section has completed a technical review of the referenced major permit 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. The response to our first technical NOD, dated January 23, 2012, was received July 13, 2012. 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. Please review and address the following comments and unless otherwise noted, each comment is applicable to the existing and proposed facilities:

Part II of the Application:

1. Page 2, Section 2 Existing Conditions Summary, states in part that “the maximum quantity of waste to be stored at one time at this facility is 900 tons.” Your response to Comment 2 of our January 23, 2012 First Technical NOD letter states that “the quantities of recyclables (white goods and tires) are not included” in this amount since they are not solid wastes. Please note that all materials stored on site should be quantified, in part to provide information that is required to estimate closure costs and to ensure that the storage is manageable in accordance with the design capacity of the facility. The definition for recyclable material in 30 TAC §330.3(122), states in part that “recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material.” For the purposes of providing a worse case closure cost estimate, the TCEQ considers all recyclable material to be a solid waste in the event it is abandoned. This information may be provided in Section 2.
Existing Conditions Summary, the Closure Cost Estimate, and all applicable portions of the application. Please revise the closure cost estimate accordingly.

2. Pages 2 through 5, Section 3 Waste Acceptance Plan, addresses quantities and storage for used oil, white goods, and tires. Please provide more information regarding the location, dimensions and maximum storage capacity for recyclable material, and tank capacity for used oil, for both the existing and proposed facilities. Please provide general construction information for the used oil container in accordance with 30 TAC §330.63(b)(2)(D), regarding general construction details for storage and processing units and ancillary equipment. Additionally, please address how secondary containment for the used oil container will be designed to contain an oil spill from draining onto the tipping floor and/or into the public sewer system. Finally, provide an explanation as to how the used oil storage tank will be protected from facility operations and the use of heavy machinery. This information may be provided in Section 3 Waste Acceptance Plan and/or the Site Operating Plan and all applicable portions of the application. Please revise the application accordingly.

3. Pages 2 through 5, Section 3 Waste Acceptance Plan, states in part that tires may be accepted and stored on site. Please provide more information regarding tires, the location and dimensions for the tire storage area, the quantities proposed to be stored, and procedures for the management of the tires in accordance with applicable requirements prescribed in 30 TAC Chapter 328, Subchapter F; Management of Used or Scrap Tires. This information should be provided in the Site Operating Plan for each facility as applicable.

4. The Part II Table of Contents contains a list of Appendices for which a portion has been omitted from the application. Appendix II-C Texas Historical Commission Review, Appendix II-E Texas Department of Transportation Coordination, Appendix II-F Federal Aviation Administration Coordination, and Appendix II-G Facility Development Approval were listed but not included in any of the application copies under technical review. Please provide the appendices in your response to this letter.

5. The Land Use Analysis Drawing, Figure LU-1 Metropolitan Context, does not have certain required map/drawing attributes prescribed in 30 TAC §330.57(h), such as a dated title block; a revision block; a responsible engineer’s or geoscientist’s seal; a page number; and a legend to identify the attributes of the map/drawing. Please revise this map to include the aforementioned attributes and the appropriate engineer or geoscientist seal. Please also ensure that all maps/drawings throughout the application have all the required and/or appropriate attributes and professional seal(s).

6. The Land Use Analysis Drawing, Figure LU-2-Zoning-2Mile, is labeled throughout the drawing with what appear to be zoning codes. The codes are not identified and there are other attributes omitted from the drawing. Please provide a legend that identifies the zoning codes and revise the map to include applicable attributes prescribed in 30 TAC §330.57(h), regarding maps and drawings.
7. The General Location Map, Attachment II-1, includes a notation (Note No. 9), stating that "Airports located within 6 miles of the Phase I Permit Boundary are shown on Attachment II-2." The attachment referenced (Attachment II-2) depicts 2 airports outside a 6 mile radius from the facility's permit boundary. Please clarify if any airports are within the 6 mile radius of the facility and note the information appropriately on the map and throughout applicable portions of the application.

8. The Proposed Facility Layout, Attachment II-3-2, includes a notation (Note No. 5), stating that the "Used Oil Drop Off Area may be moved as noted on Attachment III-1." Note No. 3 on Attachment III-1 states that the "Used Oil Drop Off Area may be relocated within vehicle backing area." Please explain if the vehicle backing area is part of the tipping floor area and how it will be designed and constructed to address the items listed in Comment No. 3 of this letter regarding used oil storage and secondary containment.

Part III of the Application:

9. Part III, Page 1, Section 1 Introduction, states in part that "... the facility will have a design capacity in excess of 1500 tons per day for peak conditions." Please provide information to demonstrate what the theoretical design capacity is for the facility. Title 30 TAC §330.241(a), states that "The design capacity of a solid waste processing... facility shall not be exceeded during operation. The facility shall not accumulate solid waste in quantities that cannot be processed within such time as will preclude the creation of odors, insect breeding, or harborage of other vectors. If such accumulations occur, additional solid waste shall not be received until the adverse conditions are abated." In order to determine the design capacity for throughput, processing, and storage, please provide information to demonstrate theoretically the maximum capacities of waste acceptance including the acceptance of recycling material in accordance with the aforementioned rule. This information must be provided for the existing and proposed facilities. Please consider this as reasonably required information requested in accordance with 30 TAC §330.57(d), and 30 TAC §281.5(7).

10. Part III, Page 9, Section 3.2.3 General Construction Details, states in part that the "proposed building foundations will be designed based upon the soil conditions to be determined after a complete site soils investigation as part of the construction drawing development process." In accordance with 30 TAC §330.63(b)(2)(D), please provide the general construction details for building foundations and in addition, reference where in the application construction details may be located for all storage and processing units and ancillary equipment (i.e., tanks, foundations, sumps, etc.) with regard to approximate dimensions and capacities, construction materials, vents, covers, enclosures, protective coatings of surfaces, etc. Please provide performance data on all units. The information may be submitted in table form. Please reference Comment 3 of this letter.

11. Part III, Page 26, Section 5.1.2 Storage Capacity and Maneuver Space, references the continued utilization of an existing Citizen Collection Station for the existing facility. However, for the proposed facility, it appears that in reference to the Site Operating Plan, Part IV-B for the proposed facility, a Citizen Collection Station will not be utilized.
Please submit more information regarding the location, dimensions, access and egress for the existing citizen collection station and depict the attributes on the Facility Layout Existing drawing, Attachment II-3-1.

12. Part III, Page 29, Section 9.1.2 Certification of Final Closure, the last sentence in this section references Phase 3. The application appears to reference only 2 phases. Please remove this reference or explain Phase 3 throughout the application.

13. Part III, Appendix III-A, Closure Cost Estimate Existing Lookout Drive Transfer Station and Closure Cost Estimate Proposed Lookout Drive Transfer Station contain calculations for cleanup and removal of waste and recyclables. Please account for the maximum inventories of all wastes and recyclables in all phases of throughput at each of the facilities based on the design capacities for each facility. Please submit this information in accordance with 30 TAC §330.505(a)(2)(A)(B) and (C), regarding closure cost estimates. See Comment 2 in this letter for related concerns.

Part IV-A and Part IV-B of the Application:

14. Page 3, Part IV, Section 3 Waste Acceptance and Analysis, Prohibited Wastes, lists whole or scrap tires as a prohibited waste. Pages 2 through 5, Section 3 Waste Acceptance Plan, states in part that tires may be accepted and stored on site. Please revise the sections to clarify whether tires will be accepted for recycling. Please see Comment 4 in this letter for related concerns.

15. Page 9, Part IV, Section 5 Contaminated Water Management, states in part that the facility will comply with certain requirements for discharging waste waters to a treatment facility permitted under Texas Water Code Chapter 26. Please explain if the existing facility is currently permitted to discharge contaminated water to a locally permitted waste water treatment facility and submit as an attachment, a copy of the wastewater permit and explain whether it is applicable to both existing and proposed facilities.

16. Page 10, Part IV, Section 7 Approved Waste Containers, states in part that “solid waste that is received containing food wastes will be placed in a covered area or in a receiving area where any runoff is collected and properly handled.” Please be aware that 30 TAC §330.211, regarding Approved Containers, requires that “all solid waste containing food wastes shall be stored in covered or closed containers that are leak-proof, durable, and designed for safe handling and easy cleaning.” Please explain if the aforementioned food wastes will be stored in the prescribed container(s) and provide the location(s) for the container(s).

17. Page 11, Part IV, Section 9 Requirements for Stationary Compactors, provides for stationary compactors at the existing facility but not for the proposed facility. Please provide more information regarding the quantity and location (narrative and depiction) of the compactors.
18. Page 11, Part IV, Section 11 Recordkeeping and Reporting Requirements, states in part that "a copy of the permit, the approved permit application, and all other related or required plans or documents will be maintained at the NTMWD administrative offices located at 505 E. Brown Street in Wylie, Texas." Please ensure that these documents are also maintained on site at the Lookout Transfer Station Facility, in accordance with 30 TAC §330.219(a), which prescribes that a copy of the permit or registration, the approved permit or registration application, and any other required plan or other related document shall be maintained at the municipal solid waste facility at all times during construction.

19. Page 13, Part IV-A, Section 11 Recordkeeping and Reporting Requirements, Table 1 Operating Record, provides a list of records that will be maintained on site. Please include on the list documents pertaining to odor management. Please also revise the rule citation on Table 1 of Part IV-B Site Operating Plan, page 14, item 7; "Any other document as specified . . . by the executive director" under 30 TAC §330.219(b)(6); to the correct rule citation of 30 TAC §330.219(b)(7). Additionally, please correct the rule citations for items 4 through 6, and 8 through 12 in the aforementioned table to be consistent with §330.219(b).

20. Page 23, Part IV-A, Section 24 Ventilation, Odor and Air Pollution Control, states in part that the applicant will obtain authorization, under 30 TAC Chapter 116 or Subchapter U of Chapter 330, prior to the start of construction. Please note that if the application is approved, a standard permit condition will be placed into the permit document stating that construction may not begin until the applicant obtains the appropriate air permit to operate the facility. The applicant has the option to obtain an air permit during the technical review of the major permit amendment application.

Please be aware that a public meeting is scheduled for October 2, 2012, and the applicant may be requested to address additional comments generated during the meeting that may be applicable, and based on rule provisions.

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 30 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 §330.57(g)(6), 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.

If you have any questions, please contact me at (512) 239-6681. When addressing written correspondence, please use mail code MC 124.

Sincerely,

[Signature]

Mario A. Perez, Sr., Project Manager
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

MAP/pt

cc: Mr. William Hindman, CP&Y,

Enclosure