TO: Persons on the attached mailing list.

RE: North Texas Municipal Water District
    Permit No. 53A

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. This decision does not authorize construction or operation of any proposed facilities. Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at North Texas Municipal Water District's offices at 505 East Brown Street, Wylie, Collin County, Texas 75098 and at Richardson City Hall, 411 West Arapaho Road, Richardson, Dallas County, Texas 75083.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

(1) Your name, address, daytime telephone number, and, if possible, a fax number.

(2) If the request is made by a group or association, the request must identify:

   (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all
communications and documents for the group; and

(B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization’s purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

(3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

(4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: “I request a contested case hearing.”

Your request must demonstrate that you are an “affected person.” An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission’s decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk’s office at the address below.

To facilitate the commission’s determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director’s responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director’s Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director’s decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director’s decision, and must explain why you believe the decision should be reconsidered.
Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director’s decision must be received by the Chief Clerk’s office no later than 30 calendar days after the date of this letter. You may submit your request electronically at http://www.tceq.texas.gov/about/comments.html or by mail to the following address:

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director’s decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission’s regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

Bridget C. Bohac
Chief Clerk

BCB/ka

Enclosure
MAILING LIST
for
North Texas Municipal Water District
Permit No. 53A

FOR THE APPLICANT:

James M. Parks, Executive Director
North Texas Municipal Water District
P.O. Box 2408
Wylie, Texas 75098

Jeffrey Mayfield, Solid Waste Manager
North Texas Municipal Water District
P.O. Box 2408
Wylie, Texas 75098

William R. Hindman, P.E.
CP&Y Inc.
1820 Regal Row, Suite 200
Dallas, Texas 75235

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Brian Christian, Director
Texas Commission on Environmental Quality
Small Business and Environmental Assistance
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Steven Shepherd, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Mario A. Perez, Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division
Municipal Solid Waste Permits Section
MC-124
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087
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<tr>
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<td>VARGAS, PETER H</td>
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<td>VARGAS, MR ROBERT</td>
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<td>VARGAS, STELLA</td>
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<tr>
<td>VINCENT, SANDRA L  &amp; WYN, ALLEN</td>
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<td>WADDINGTON, CORBETT</td>
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WAKEFIELD, NANCY & RICK
1606 YORKSHIRE DR
RICHARDSON TX 75082-4716

WAKEFIELD, RICHARD
1606 YORKSHIRE DR
RICHARDSON TX 75082-4716

WALL, J A
2674 DAISY LN
RICHARDSON TX 75082-3420

WALLACE, KAYLA K
2602 FOXBORO DR
RICHARDSON TX 75082-3059

WALLACE, THOMAS H
2602 FOXBORO DR
RICHARDSON TX 75082-3050

WARREN, FREYA
2602 CHESTNUT HILL LN
RICHARDSON TX 75082-4816

WEBB, DON & JEAN
1598 BROADMOOR DR
RICHARDSON TX 75082-3034

WEISS, ALLAN
1509 BRAEBURN DR
RICHARDSON TX 75082-3039

WELCH, JOHN F
1602 AMESBURY DR
RICHARDSON TX 75082-3948

WELCH, RICHARD E
1597 MARGATE LN
RICHARDSON TX 75082-3009

WEST, SUSAN
2908 WYNNEHAM LN
RICHARDSON TX 75082-3130

WHITLEY, JULIE
2720 CREEKMERE DR
RICHARDSON TX 75082-4261

WILDER, RICHARD G
1614 VELLANOVA DR
RICHARDSON TX 75081-3819

WILLIAMS, DEBORAH W
3106 FOXBORO DR
RICHARDSON TX 75082-3060

WILLIAMS, JIM A
1401 JENNIFER ST
RICHARDSON TX 75082-4731

WILLIAMS, STEVEN E
3106 FOXBORO DR
RICHARDSON TX 75082-3060

WILSON, VIVA
2017 RIDGE CREEK DR
RICHARDSON TX 75082-4611

WINCKLER, KELLI
1406 SCOTTSBORO LN
RICHARDSON TX 75082-3004

WINCKLER, MARC
1406 SCOTTSBORO LN
RICHARDSON TX 75082-3004

WITTIG, CHRIS & TOM
2017 PORTSMOUTH DR
RICHARDSON TX 75082-4837

WORTHINGTON, TIMOTHY
2009 BRANDIS DR
RICHARDSON TX 75082-4841

WORTHY, BILL
1603 AMESBURY DR
RICHARDSON TX 75082-3047

WYN, THOMAS A
2608 FOXBORO DR
RICHARDSON TX 75082-3050

YOUNG, AARON
2705 CHERLIN PL
RICHARDSON TX 75082-3409

ZELLNER, JAMIE
1512 WOODCREEK DR
RICHARDSON TX 75082-4519
Executive Director's Response to Public Comment

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the Application by North Texas Municipal Water District (Applicant), for a major amendment to Municipal Solid Waste Permit Number 53A and on the Executive Director's Preliminary Decision. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk (OCC) timely received comment letters from:

Abney, James
Achatz, Christina
Achatz, Emma
Achatz, Jason
Adame, Kristy J.
Adamic, Jerry
Adamson, Barry
Adamson, Patricia
Aguilar, Jeanne
Aguilar, Paul
Anderson, Ian
Anderson, Khristine
Arnold, Debbi
Arnold, Doug
Atkins, Kathryn
Baca, Judy
Balbus, Peter G.
Baldwin, Aaron R.

Banson, Elbert
Barnhouse, Marilyn
Barnhouse, Thomas
Barr, Jaime
Bartz, Jocelyn C.
Bartz, Todd J.
Bax, Lawrence G.
Bayouth, Steven
Bayouth, Tiffani
Beal, Jonathan
Bell, Ken
Bennett, Earnest E.
Bernhardt, Hilary
Bodie, Sherrill S.
(Parker Leigh Environmental, LLC)

Brady, Martin A. – (Owens Park Neighborhood Assc.)
Breitbart, Karen
Brennen, Chris
Brown, Dave
Broxson, Drew
Brunson, Diane
Buie, Rebecca
Bundgus, Daneen
Bunnell, Diann
Burnett, Dolores
Burnett, Wayne
Burnette, Laura Ruth
Burrous, Jill
Burrow, Kenneth
Burrow, Sylvia
Bustos, Israel
Bustos, Kim
Caffiero, Mary Alice
Caffiero, Matthew
Camp, Amy
Camp, Callie
Campbell, Chester
Cantwell, Kelly
Cantwell, Paul
Cargile, Karen
Cargile, Katherine
Carroll, Terry
Catagnus, Philip C.
Chapman, Joyce
Chen, Cathy
Ciafardini, Marc V.
Claassen, Mike
Claassen, Nancy
Clark, Ted
Clawson, Diana-(Duck Creek HOA)
Clymer, Georgia
Clymer, Jack
Colbaugh, Penelope A.
Colbaugh, Phillip F.
Compton, Viola Marie
Conn, Barbara
Conn, Jack
Cossady, Charles
Cossady, Katie
Cranor, Eugene H.
Crump, Zilphia
Curran, Ed – (Richardson Environmental Action League/R.E.A.L.)
Dalgic, Ihsan
Dalgic, Veronica
Davani, Shahnaz
Davenport, Ernie
Davidson, Angela
Davis, Clara Jane
Davis, Denise
Davis, Greg L.
Davis, Jane
Davis, Megan
Davis, Michael
Davis, Michele
Davis, Robert Alan
Davis, Wayne
Davis, William H.
Day, Darrell
Demattia, John
Devantier, Mark
Dickinson, Alison M
Dobbs, D.D.
Dodge, Stephen
Dorris, Sue
Douglas, Jeffrey, E.
Douglas, Theresa H.
Dragolich, Connie
Dragolich, William
Dragovits, Joann
Dugger, Ken
Dunn, Scott
Duong, Tam
Edgren, Edward
Edgren, Margaret
Elms, Danny
Essig, Michael
Essig, Patricia
Estill, Laura
Evans, Mary E.
Falconer, Alaric
Falconer, Robyn
Fekete, Nicholas
Flahive, Mike
Fleming, Cathy
Fleming, Steve
Flores, Baltazar J.
Frederiksen, Fred
Frizzell, Mike
Frost, David
Fuld, Jane
Fullerton, Barbara
Gates, William R.
Ghate, Bhaskar B.
Gibbons, Connie S.
Golden, John C.
Gordon, Maureen
Gordon, Mike
Gordon, Sue
Grant, Carla
Gray, Nancy A.
Grayson, Robert
Groover, Betty Formby
Gundersen, Hans
Jorgen
Gundersen, Kathryn D.
Hale, Stephanie
Hanley, Freda
Hanley, John
Hansen, Annette
Hanson, Daniel
Hardage, Elizabeth A.
Hardin, Charlotte
Hartin, John F.
Hauck, Fern K.
Heckmann, David
Helfenbein, Kendall H.
Heye, James Dwight
Hill, Gayle C.
Hill, Rachel G.
Hill, Robert A.
Hill, Sonja
Holland, Helen German
Holman, Katherine
Holsenbeck, Marshall B.
Howard, Paul T.
Hudspeth, Melody
Huffman, Fred C.
Human, George – (Sherrill Park Neighborhood Asso.
Board)
Huval, Julie
Ischy, Ashley
Ischy, Jason
Jaco, Jane
Jansky, Pat M.
Johnson, Charles S.- (Crowley Park Neighborhood Asso.)
Johnson, Kathy
Johnson, Leroy
Jones, Rebecca
Kam, David S.
Keene, Mary
Keffer, Christina
Klee, Carol
Klee, Chris
Laclette, Fernando
Laclette, Susana
Larson, Sheri - (Parker Leigh, Environmental LLC)
Lasich, Joyce
Lauder, John M.
Lavassani, Mehdi
Leo, Al
Lewis, Sherry
Little, Bill
Little, Lisa
Long, Joy
Maczka, Laura
Magee, Joan
Mann, Darren T.
Marcy, Amy
Marcy, Josh
Maresh, Charles
Martin, Melissa
Mason, Thomas
Mayfield, Jeff
McAfee, Ronald
McClelland, Carrie
McClelland, Kevin
McDaniel, Larry
McDowell, Candace
McDowell, John S.
McFarlin, Debbie
McFarlin, Keith
Meador, Bradley
Meador, Misty
Medina, Louis
Milano, Anthony
Millhorn, Chris
Millhorn, Keleigh
Mintline, Ruth
Mirasol, Raedelynn
Mirasol, Reynald
Moisuk, John
Moomey, Magdalena
Moore, Laurie
Morgan, David (City of Richardson)
Mount, George
Mount, Priscilla
Moyer, Tamarra
Mumford, Brian
Murphy, Allison
Murphy, Danette
Murray, Gwen
Neiman, Joe
Nezat, Amy K.
Nicelly, Laura
Olah, Magdi
Oldham, Oliver
Oldham, Susan
Oldham, Zachary
Ortega, Jerry
Orton, Christian
Orton, Erin
Parker, Martin
Parsoneault, Thomas
Patterson, Shawn
Pawlak, Dick
Pawlak, Marlene
Pettinger, Hedwig
Pettinger, Wes
Philips, Kristen
Philips, Troy
Phillips, Barbara
Pierce, Kriss
Pinto, Julio B.
Pizarroso, Ramiro
Plagens, Kathy
Plagens, Mark
Polcari, Peter A.
Prewitt, Viola
Rains, Philip E.
Ramirez, Sergio
Randolph, Carira
Rash, Shelby
Rash, Suzan
Regeci, J.
Reva, Joan
Reva, W.
Rhymes, Max
Rickel, Joanne
Ricks, Sam B.
Ricks, Sharon
Riehm, Sarah
Riley, Agell
Riley, Gay
Roberson, Evelyn
Robertson, Maryann
Rochelle, Phillip
Rodriguez, Hector C.
Roffino, Charles
Roland, Randy – (Windsor Estates HOA)
Ros, Mitchell A.
Rose, Cathy
Rose, George
Ross, Carol
Ross, P.B.
Ryland, Mark L.
Salisbury, Ben
Salisbury, Bessie
Sanabria, Chris
Sandoval, Marcia
Sandoval, Victor
Saye, Don
Saye, Gale
Scalf, Carla Ann
Schneider, Sarah
Schubert, Jeremy
Schuster, Lynne
Schwab, Nichole
Seward, Marlene A.
Shafiq, Huzainfa
Shah, Jay
Shellstrom, Kathy
Shortess, Melvin A.
Slattery, Riley
Smithhislser, Linda,
Maitri – (Neighborhood Protection Alliance of Richardson/NPAR)
Smithhislser, Mark L.
Smouse, Robert H. – (North Tx. Municipal Waste District’s Regional Solid Waste System)
Snuggs, Krista
Snuggs, Tripp
The OCC received timely, oral comments from the following individuals at the public meeting held on October 9, 2012: George Human, Sherri Larson, Sherrill Bodie, Linda Maitri Smithhisler, Martin Brady, Zac Trahan, Mitchell Ross, Diana Clawson, David Morgan (for the City of Richardson) and Gay Riley.

This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit Application or the permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.gov.
I. Background

A. Description of Facility

The Applicant has applied to the TCEQ for a municipal solid waste permit amendment to authorize the relocation and construction of a new transfer station building that will replace the existing building. The facility is located at 1601 E. Lookout Drive, Richardson, Collin County, Texas 75082. The proposed transfer station is a Type V municipal solid waste facility with a maximum waste transfer capacity of 1,500 tons per day (TPD). This facility accepts municipal solid waste which is defined in 30 TAC §330.2 as solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities; construction and demolition waste, Class 2 and Class 3 industrial non-hazardous solid waste, used-oil, and recyclable material.

During construction of the proposed transfer station building, the existing building will continue to be used in its current configuration. The proposed transfer station building foundation and push walls will be constructed of reinforced concrete. The building frame and roof structure will be constructed of steel. Floor drains and trench drains will be provided to capture wash down water, which will be channeled through a sand/grease trap before being discharged into the sanitary sewer system. The building will be approximately 220 feet by 152 feet and will incorporate a split level design with a transfer trailer loadout tunnel sized to allow two full size transfer vehicles to be loaded at the same time. The transfer trailer tunnel area will be constructed at an elevation that is approximately 18-feet lower than the tipping floor to accommodate the truck height, road surface, steel hoppers, and tunnel scales. The proposed facility is designed to receive and transfer a maximum of 2,400 tons of waste per day, although applicant will be authorized to accept a maximum of 1,500 tons of waste per day. The unloading and waste storage area will be located within the transfer station building and will measure approximately 105 feet by 152 feet. The storage area is designed to accommodate 900 tons of waste. The Applicant does not anticipate storing waste
material overnight in the building except for extenuating emergency circumstances such as inclement weather or mechanical breakdown, however, the Applicant will be authorized to store waste on site for a maximum of 3 days. Recyclable material will be stored in roll off boxes located in the recycle drop off area. Used oil will be collected and stored in a double walled container located inside the transfer station building. Used oil will be transported off site by an authorized hauler for further recycling on at least a quarterly basis. The waste acceptance hours for the facility will be Monday through Saturday, 7:00 a.m. to 7:00 p.m. Housekeeping, including cleaning the tipping floor may be performed outside the waste acceptance hours, however, the operation of heavy equipment at the site is prohibited between the hours of 9:00 p.m. to 5:00 a.m.

B. Procedural Background

The Application was submitted on October 26, 2011, and declared administratively complete on November 15, 2011. The Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit Amendment was published on December 3, 2011 in the Dallas Morning News, and in Spanish on December 4, 2011 in the Al Día. The ED completed the technical review of the Application on December 6, 2012, and prepared a draft permit. The Revised Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment was published on January 12, 2013 in the Dallas Morning News, and in Spanish on January 12, 2013 in the Al Día. The Notice of Public Meeting was published on September 18, 2012, September 25, 2012, and October 2, 2012 in the Dallas Morning News. A public meeting was held on October 9, 2012 at the Douglas Otto Middle School Cafetorium, 504 North Star Road, Plano, Texas 75074. The comment period for this Application closed on February 11, 2013. This Application was administratively complete on or after September 1, 1999; therefore, this Application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.
C. Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- to access the Secretary of State website: www.sos.state.tx.us;
- for TCEQ rules in Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select “TAC Viewer” on the right, then “Title 30 Environmental Quality”);
- for Texas statutes: www.capitol.state.tx.us/statutes/statutes.html;
- to access the TCEQ website: www.tceq.state.tx.us (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Rules and Rulemaking,” then “Download TCEQ Rules”);
- for Federal rules in Title 40 of the Code of Federal Regulations: www.epa.gov/epahome/cfr40.htm; and

The permit amendment Application, Executive Director’s Preliminary Decision, and Draft Permit Amendment are available for viewing and copying at North Texas Municipal Water District’s offices at 505 East Brown St., Wylie, Collin County, Texas 75098 and at Richardson City Hall, 411 W. Arapaho Road, Richardson, Dallas County, Texas 75083.
II. Comments and Responses

Comment 1:
Many commenters requested that the permit not be issued unless the Applicant complies with all of the provisions in the Memorandum of Understanding (MOU) agreement between the Applicant, the City of Richardson, and the Neighborhood Protection Alliance of Richardson (NPAR).

Response 1:
TCEQ reviews the Application for compliance with the applicable statutes and regulations. Although the TCEQ is not authorized to consider or enforce an agreement between the Applicant and commenters, it will consider comments related to issues which are also addressed in the agreement.

Comment 2:
Many commenters opposed the increase in the amount of waste authorized to be received by the facility.

Response 2:
The rules do not provide a maximum limit for the amount of waste that may be received by a transfer station. The rules do prohibit a transfer station from exceeding its design capacity. See 30 TAC § 330.241(a). The Applicant has submitted information to indicate that the facility is designed to receive and transfer (through-put capacity) a maximum of 2,400 tons of waste per day, however, the Applicant will be authorized to accept a maximum of 1,500 tons of waste per day. Information regarding the design capacity is found in Part III, Appendix III-E.

Comment 3:
Many commenters raised concerns that the proposed changes to the permit will increase noise levels from the facility.

Response 3:
Rule 30 TAC § 330.239 requires that the owner or operator of a transfer station provide screening or other measures that will minimize noise pollution and adverse
visual impacts. Part IV, Section 21 of the Application indicates that waste transfer will be conducted within the enclosed building. White noise back-up alarms will be utilized on all on-site heavy equipment to avoid the noise caused by traditional backup alarms. Rule 30 TAC § 330.543(b) requires a minimum 50-foot buffer between the permit boundary and waste activities. Part II-Attachment, Attachment II-3-2, Proposed Facility Layout illustrates that the facility has a minimum buffer of 50 feet. Additionally, the nearest residential area is located approximately 580 feet northwest of the permit boundary. The Application includes adequate provisions to control noise.

**Comment 4:**

Several commenters raised concerns that the proposed changes to the permit will have a negative effect on the environment, public health, and quality of life.

**Response 4:**

For municipal solid waste facilities, the Commission protects human health and the environment through the enforcement of 30 TAC Chapter 330 and other applicable regulations. This Application proposes to construct and operate the facility in compliance with the rules to be protective of human health and the environment.

**Comment 5:**

Many commenters expressed concerns that the activities conducted at the facility are not compatible with land uses in the surrounding area.

**Response 5:**

Rule 30 TAC § 330.61(h) states that a primary concern is that the use of any land for a municipal solid waste facility not adversely impact human health or the environment. To assist the Commission in determining potential adverse impacts, the Applicant is required to submit information regarding: zoning at the facility and within two miles of the proposed facility; character of surrounding land uses within one mile of the proposed facility; growth trends within five miles of the facility and directions of major development; proximity to residences and other uses, such as schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, and sites having exceptional aesthetic quality; the approximate number of residences and business establishments within one mile of the proposed facility and distances and directions to the nearest residences and businesses; and, a description and discussion of
all known wells within 500 feet of the proposed site. The information provided by the Applicant does not support finding that the facility would be incompatible with land use in the area.

**Comment 6:**

Many commenters expressed concerns that the proposed changes to the permit will exacerbate existing odor problems associated with the facility.

**Response 6:**

TCEQ rules require owners or operators of municipal solid waste processing facilities to adopt measures to minimize odor. Facilities must be designed and operated to provide adequate ventilation, and the owner or operator must prevent nuisance odors from leaving the boundary of the facility. *See 30 TAC § 330.245(d).* If nuisance odors escape the boundary of the facility, the facility owner or operator may be required to cease operations until the nuisance is abated. In order to prevent nuisance odors, the owner or operator must employ one or more of several specifically prescribed methods of odor abatement. These may include: air scrubbers; buffer zones; additional handling, storage, or cleaning procedures; or “alternative” ventilation or control measures. *See 30 TAC § 330.245(f).* Minimum buffer zone requirements for transfer stations are found at 30 TAC § 330.543(b)(1), which requires a minimum buffer zone of 50 feet between solid waste processing and the facility boundary.

Part IV-B, Section 24 of the Application indicates that all waste transfer activities will take place within the transfer building and that odors will be controlled by measures such as the use of buffer zones, ensuring trucks have covered loads, cleaning the facility twice a week and not storing waste overnight except for extenuating circumstances such as inclement weather or a mechanical breakdown. Also, as further described in Appendix III-D Odor Management Plan, odor management includes a ventilation system, an odor control misting system, waste handling procedures, and conducting odor surveys with the surrounding community. The Application contains sufficient provisions to control odors in compliance with TCEQ’s regulations. If objectionable odors occur, the owner or operator must initiate appropriate measures to alleviate the condition. For information on TCEQ odor complaint investigation procedures,
interested persons are encouraged to visit the following webpage:

**Comment 7:**

Several commenters raised concerns that the increase in tonnage will increase the number of vehicles entering and exiting the facility, thus creating a traffic hazard. Some commenters requested that the Applicant maintain the condition of access roads.

**Response 7:**

In Part II, Section 10 and Part II, Appendix II-I, the Applicant has provided information required by 30 TAC § 330.61(i), which addresses the availability and adequacy of roads that the facility will impact; volumes of vehicular traffic on roads within one mile of the facility, both existing and expected; projected volumes of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility; and, documentation of coordination of all designs of proposed public roadway improvements. Appendix II-E provides copies of correspondence between the Applicant and the Texas Department of Transportation (TxDOT). The ED relies significantly on input from TxDOT to assess the appropriateness of roads to be used by a municipal solid waste facility. The Applicant provided sufficient information to demonstrate that the access roads are adequate to support traffic from the facility.

TCEQ does not have authority to enforce traffic laws. State and local traffic law enforcement agencies should be contacted to report truck drivers who violate traffic laws, including reckless driving or failure to respect the rights of way of other vehicles. TCEQ does not have authority to require permittees to perform maintenance construction on public access roads.

**Comment 8:**

Several commenters requested that the TCEQ hold a public meeting so that local residents could ask questions and voice their concerns regarding the Application.

**Response 8:**

In response to significant public interest, a public meeting was held October 9, 2012, at the Douglas Otto Middle School in Plano, Texas.
Comment 9:
Several commenters raised concerns that the proposed changes to the permit will increase the presence of vectors like rats and flies.

Response 9:
Under TCEQ rules for municipal solid waste, a “vector” is defined as “[a]n agent, such as an insect, snake, rodent, bird, or animal capable of mechanically or biologically transferring a pathogen from one organism to another.” See 30 TAC § 330.3(169). In order to address vectors, applicants for transfer stations must include storage procedures as a part of their site operating plan. See 30 TAC § 330.209. TCEQ rules for storage requirements state that “...all solid waste shall be stored in such a manner that it does not...provide food or harborage for animals and vectors....” See 30 TAC § 330.209(a). The rules also require that a facility be maintained in a sanitary condition, and that it not cause a nuisance. See 30 TAC §§ 330.15(a)(2) and 330.243. Among possible nuisance conditions is the uncontrolled presence of vectors. The Site Operating Plan, located in Part IV-B of the Application, indicates the owner/operator will transport waste on a daily basis to the North Texas Municipal Water District landfill. Solid waste will not be stored overnight except for extenuating emergency situations such as inclement weather. The maximum length of time waste may be stored at the facility is 3 days. All waste must be stored inside the transfer station building. If necessary, a licensed exterminator will apply appropriate pesticides to control vectors. The provisions included in the Application are adequate to control vectors at the facility.

Comment 10:
Many commenters expressed concerns that the proposed facility would generate wind-blown trash from the trucks and the facility itself, fugitive trash would cause an unsightly and unsanitary condition on roads and easements, or fugitive trash would spread to the local residential neighborhoods and drainage tributaries.

Response 10:
TCEQ rules require operators of municipal solid waste storage and processing units to control the presence of wind-blown trash that is produced from the operation of
the facility. The facility owner or operator must take steps to ensure that trucks hauling waste to and from the facility are enclosed or provided with a tarpaulin, net, or other means to effectively secure the load in order to prevent the escape of any part of the load by blowing or spilling. See 30 TAC § 330.235. These measures may include posting signs, reporting offenders to appropriate law enforcement officers, or adding surcharges. Furthermore, on days when the facility is in operation, the owner or operator shall be responsible for having litter picked up at least once a day from the facility and around access roads and gates. See 30 TAC §§ 330.233 and 330.235.

In Part IV-B, Section 17 of the Site Operating Plan, the Applicant states that vehicles hauling waste to the facility will be enclosed or covered in order to prevent blowing or spilling of trash from the vehicles. All waste transfer operations will take place inside the enclosed metal building; on-site litter at the transfer station and any litter on Lookout Drive and Plano Road will be picked up daily for a distance of 2.0 miles in either direction from the facility’s site entrance on days when the transfer station is in operation. The provisions in the Application are adequate to control windblown litter and to cleanup along access roads to the facility.

**Comment 11:**

Several commenters expressed concerns that the permit does not have adequate provisions for landscaping or visual screening, or that landscaping would be insufficient to negate the visual impacts of the site.

**Response 11:**

The rules of the TCEQ require that the owner or operator of a transfer station provide screening or other measures to minimize adverse visual impacts. See 30 TAC § 330.239. The Applicant has proposed a landscaping plan in Appendix IV-1 which includes planting evergreen shrubbery and trees along the perimeter of the site together with other accent plantings of shrubs and trees within the site to provide both noise control and visual screening. The facility is being moved further away from Lookout Drive to a lower elevation which is expected to make it less visible to the public. The Application includes adequate provisions for landscaping and visual screening for the transfer station.
Comment 12:

Several commenters requested or inquired as to whether the proposed facility could move elsewhere, or whether the TCEQ could cause the Applicant to relocate elsewhere. Other commenters suggested that there may be other more remote areas that would be more appropriate for the placement of the proposed facility, and that the Applicant should conduct an Alternative Site Selection Study.

Response 12:

The TCEQ's jurisdiction is established by the Legislature and is limited to the authority provided by statute. The TCEQ has authority to consider the impact of the proposed facility on the surrounding community. See 30 TAC § 330.61(h). However, the TCEQ does not have the authority to direct applicants to provide studies on alternative sites or to use alternative sites.

Comment 13:

Many commenters expressed concerns that the proposed facility will lower the values of surrounding properties.

Response 13:

The TCEQ's jurisdiction is established by the Legislature, and is limited to the authority set forth in statute. The TCEQ is not authorized to consider effects on property values when determining whether to approve or deny a permit application.

Comment 14:

Some commenters expressed concern about the types of waste the facility would accept. In particular, commenters expressed concern that the proposed facility would accept hazardous waste.

Response 14:

TCEQ rules require applicants for solid waste storage and processing units to identify the source and characteristics of wastes proposed to be received for storage or processing. See 30 TAC §§ 330.61(b) and 330.203(a). Specifically, the rules require that the owner or operator identify the sources and characteristics of wastes (e.g.,
residential, commercial, special wastes, Class 1, Class 2 industrial solid wastes, etc.), and describe the types and estimate the amount of each waste to be received daily at the transfer station. Furthermore, if a waste constituent or characteristic could be a limiting parameter that may impact the operation of the facility, the owner or operator must specify parameter limitations for those wastes. See 30 TAC § 330.203(a). In Part IV-B, Section 3 (Waste Acceptance and Analysis), the Applicant provides procedures for the detection and prevention of incoming waste containing hazardous or other prohibited waste. The procedures include random inspections of incoming loads and training personnel on how to detect prohibited waste. The Applicant indicated that the proposed waste transfer station will accept the following wastes: residential and commercial municipal solid waste; and, Class 2 and Class 3 non-hazardous industrial waste. This transfer station would not be authorized to receive regulated hazardous waste or special waste other than used oil for recycling.

Comment 15:

Several commenters expressed concerns about the proposed facility’s impact on surface water.

Response 15:

Rule 30 TAC § 330.207 (relating to Contaminated Water Management) requires that, “...all liquids resulting from the operation of solid waste facilities shall be disposed of in a manner that will not cause surface water or groundwater pollution....” Part III, Section 3.3 Sanitation, Section 3.4 Water Pollution Control, and Section 4 Facility Surface Water Drainage Report, address the design of the facility to handle contaminated waters separate from stormwater. Stormwater will be controlled through a system of curb inlets and trench drains to prevent run-on/run-off from the transfer station facility. Stormwater will be conveyed toward Spring Creek. Attachment III-2 depicts the location of curb inlets and trench drains. Stormwater entering and exiting the loading tunnel and any washwater generated in the tunnel is considered contaminated and shall be discharged into the existing City of Richardson sanitary sewer system. Washwaters from the tipping floor will be conveyed through a series of floor drains and sand/grease traps before being discharged into the sanitary sewer
system. The facility design complies with the requirements of 30 TAC § 330.303, related to the Surface Water Drainage for Municipal Solid Waste Facilities. The Application includes adequate provisions to contain and dispose of any contaminated water from the facility.

Under 30 TAC § 330.61(k)(2)-(3), the owner or operator must submit data on surface water at and near the site and information demonstrating how the facility will comply with applicable Texas Pollutant Discharge Elimination System (TPDES) stormwater permitting requirements. This information may include, but is not limited to, a certification statement indicating the owner/operator will obtain the appropriate TPDES permit coverage when required or a copy of the permit number for coverage under an individual stormwater permit. The Applicant certifies in Part II, Section 12 Groundwater and Surface Water, page 11, that a Texas Pollutant Discharge Elimination System (TPDES) General Permit for stormwater discharges associated with construction and industrial activities will be obtained prior to the commencement of the proposed construction and transfer station operations.

Comment 16:

Several commenters expressed concerns that the proposed facility will cause air pollution.

Response 16:

The TCEQ is responsible for enforcing air pollution laws and all facilities and air pollution abatement devices must obtain authorization prior to construction. See 30 TAC § 330.245(b). This authorization must either be from 30 TAC Chapter 116 or from Subchapter U of 30 TAC Chapter 330. The applicable authorization for the proposed facility depends on the size and nature of the facility. While these authorizations are referenced in the Municipal Solid Waste rules, they are processed separately by the TCEQ Air Permits Division. See 30 TAC § 330.245(b). The Applicant proposes to obtain authorization from the Air Permits Division under Chapter 116 prior to the commencement of construction and operations or comply with the Standard Air Permit requirements for transfer stations under Subchapter U. Additionally, the Applicant states in Part IV-B, Section 24 Ventilation, Odor, and Air Pollution Control that waste
management (tipping, sorting, and transfer operations) will typically occur within the enclosed transfer station building. An Odor Management Plan is included in Part III, Appendix III-D. Any authorizations for emissions under the Air Permits Division are considered separately from this waste management Application.

**Comment 17:**

Commenters expressed concern about the contribution to air pollution from the trucks entering and exiting the facility.

**Response 17:**

TCEQ rules do not require an applicant to analyze air pollution resulting from the use of trucks when applying for a waste transfer station permit. Trucks are categorized by the Air Permits Division of TCEQ as mobile sources and their emissions, by definition, are not subject to review under the new source review permitting requirements of the Clean Air Act.

**Comment 18:**

Several commenters expressed concerns that there is no comprehensive environmental study or environmental impact study for this Application.

**Response 18:**

It is possible that the commenter intended to refer to what is known as an “environmental impact statement.” To the extent that is the case, the National Environmental Policy Act requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements known as an Environmental Impact Statements (EIS). An EIS is only required for a federal action and not for a state action, and therefore does not apply to this Application.

The TCEQ's rules do not require the Applicant to perform a comprehensive environmental impact study. However, an applicant for a Type V transfer station must meet the requirements of 30 TAC § 330.61, which requires all permit applications to include an existing conditions summary, a waste acceptance plan, general location
maps, facility layout maps, general topographic maps, an aerial photograph, land use maps, information regarding likely impacts on the surrounding area, information regarding likely impacts on transportation, a general geology and soil statement, information regarding impacts on groundwater and surface water, a list of any abandoned oil or water wells, information regarding floodplains and wetlands, information on any endangered or threatened species, documentation of correspondence with the Texas Historical Commission, and documentation of review by local governments. This information was submitted and reviewed for this Application.

**Comment 19:**

Several commenters expressed concerns about whether the facility would be located in the floodplain.

**Response 19:**

Under 30 TAC § 330.61(m), an owner or operator is required to submit a Floodplains and Wetlands Statement that includes information concerning the location of floodplains, as well as a wetlands determination. In this case, the Applicant included a Floodplains and Wetlands Statement in the Application in Part II (General Application Requirements), Section 14 Floodplains and Wetlands on page 12-13. The Floodplains and Wetlands Statement indicates that, according to the Flood Insurance Rate Map, no portions of the proposed site are within the 100-year floodplain, and that a review of the National Wetlands Inventory Map indicates no wetlands are present on the property. The Applicant provided adequate information to show that the facility will not be located in the 100-year floodplain.

**Comment 20:**

There were several comments that the site is zoned for residential use and that use as a transfer station should not be allowed. There was also a comment that the City of Richardson should not have granted a variance from residential zoning to allow a transfer station to be operated on the site.
Response 20:

The facility is located within a residential zoned area, however, the City of Richardson has issued an approval for the Applicant to construct a transfer station adjacent to the existing transfer station facility. A copy of the approval from the City is included in Part II, Appendix II-G. TCEQ's granting a permit does not exempt the Applicant from municipal zoning laws. See 30 TAC § 330.67. The Applicant is responsible for complying with municipal zoning laws. The TCEQ is not authorized to supersede zoning decisions made by municipalities.

Comment 21:

Several commenters were concerned about illegal dumping in the area.

Response 21:

The rules require the facility operator to require transporters to secure waste loads to prevent it from spilling and to cleanup waste spilled along access roads within 2 miles of the facility. See 30 TAC § 330.235 A transfer station operator is not otherwise responsible for illegal dumping by others.

Comment 22:

Several commenters expressed concerns that the facility would be built on top of a closed landfill, and that it would disturb final cover of the landfill.

Response 22:

The information provided in the Application does not indicate that the facility will be built over a closed landfill. If a landfill is discovered during construction, the Applicant would be required to comply with 30 TAC Chapter 330, Subchapter T.

Comment 23:

Randy Roland commented that the Applicant's waste hauling trucks leak and need better water barriers.
Response 23:

The rules do not make the condition of the Applicant’s, and others, waste haulers collection trucks a condition to be considered in reviewing this Application. The Applicant is required to operate and maintain its collection vehicles to prevent the loss of liquid or solid waste. See 30 TAC § 330.105. The TCEQ encourages citizens to report any observed waste collection vehicle violations to the Regional Office. Complaints regarding collection vehicles may be made by contacting the TCEQ Region 4 Office at 817-588-5800 or the toll-free Environmental Violation Hotline at 1-888-777-3186. Complaints may also be made through the Commission’s Web site by following the menu for “Reporting” and “Make an Environmental Complaint” at http://www.tceq.state.tx.us. If the Applicant fails to maintain and operate its collection vehicles in compliance with the regulations, it will be subject to an enforcement action, and any violations in Applicant’s compliance history will be considered in future permitting actions.

Comment 24:

Several commenters stated that the proposed site is adjacent to an area where a gun range was operated contaminating the soil with lead.

Response 24:

The rules governing this Application do not authorize TCEQ to consider whether an adjacent property is contaminated with lead shot in deciding whether to issue this permit.

Comment 25:

Barbara Trippeer commented that strangers loiter around the existing transfer station.

Response 25:

The TCEQ is not authorized to consider whether strangers will loiter around a transfer station in deciding whether to issue a permit. Access control is provided by the Applicant that includes a lockable entrance gate and a minimum six-foot high chain link fence along the perimeter of the permitted boundary.
Comment 26:

Tho Parson asked why they had not heard about the Application and about its status.

Response: 26

Notice of the Application has been provided by publishing notice in the newspaper and by mail to owners and residents located within one quarter mile of the proposed site. Three rounds of notice have been provided including when the application was received, scheduled for public meeting, and determined to be technically complete. Notice of the Application has been provided in compliance with the rules. The Application is technically complete, the comment process is complete, the Executive Director’s Decision has been filed, and instructions will be provided to commenters providing information on how to request the Commission to reconsider the Executive Director’s Decision or hold a contested case hearing.

Comment 27:

Sheri Larson commented on behalf of concerned citizens groups including: Neighborhood Protection Alliance of Richardson, Maitri Smithhisler, President; Highland Terrace Neighborhood Association, Shelley McCall, President; Owens Park Neighborhood Association, Martin Brady, President; Sherrill Park Home Owners Association, Robert Hendrick, President; University Estates North, David Leister, Board Member HOA; and, the City of Richardson Environmental Advisory Commission, Rick Wilder, Chairman. Ms. Larson expressed concern that the site is contaminated from the City of Richardson’s operation of a Fire Training Center and other alleged sources. She claims that the site was incorrectly remediated in the 1990s to commercial industrial standards, when it should have been remediated to residential standards. She expressed concern that the Applicant had not conducted an Environmental Assessment to address historical contamination issues.
Response 27:

TCEQ conducted investigations on January 24, 2013 and February 28, 2013 into claims that pollutants were migrating from the site into the adjacent Spring Creek. Soil samples were collected and analyzed for volatile organic compounds (VOCs), total RCRA 8 metals, iron, total organic halides (TOX), polychlorinated biphenyls (PCB), semivolatile organic compounds (SVOCs), pesticides, and total petroleum hydrocarbon (TPH). Liquid samples were collected and analyzed for VOCs, total RCRA 8 metals, TOX, PCB, SVOCs, pesticides, perfourinated compounds (PFC) and iron reducing bacteria (IRB). The DFW Regional office received a complaint alleging that contaminants were impacting Spring Creek, and the analyses listed above were requested based on the information from the complainant and research performed prior to the investigation.

TCEQ investigators observed a rust colored substrate with an iridescent sheen at water seeps into the creek, and collected samples of the water for iron reducing bacteria. The sample results confirmed the presence of iron bacteria in both seeps. The presence of iron reducing bacteria does not indicate contamination. The results for the TOX analysis do not indicate a level of organic compounds containing the halogens chlorine, bromine, or iodine that would indicate a release from a closed MSW landfill. TCEQ investigators found that the perfourinated compound levels in water seeps leading to Spring Creek adjacent to the site exceeded protective concentration levels (PCL). These compounds are known constituents of certain aqueous firefighting foams that have been commonly used at fire training facilities. TCEQ emailed a TCEQ Exit Interview Form to the Applicant and the City of Richardson on April 18, 2013, and mailed a Notice of Violation on May 16, 2013, requiring the Applicant and the City of Richardson to determine the extent of contamination and to conduct any remediation required pursuant to the Texas Risk Reduction Program (30 TAC Chapter 350). TCEQ will require this assessment and any remediation independent from the pending Application to amend the transfer station permit. Constructing and operating the transfer station is not expected to interfere with the assessment or any remediation. If the transfer station were to interfere with any required remediation, Applicant could be required to amend the permit as necessary to accommodate the remediation.
TCEQ does not plan to re-evaluate whether the remediation completed in 1996 was completed adequately under the laws and rules in place at the time. The TCEQ will require the Applicant to conduct any remediation required to address the perfluorinated compound levels exceeding PCLs under the current Texas Risk Reduction Program rules. The TCEQ has requested that the Applicant submit a compliance plan by June 17, 2013. The Applicant has requested a meeting with the DFW Regional office for June 14, 2013, and an extension to the compliance plan due date. A new date for the compliance plan has not been determined. TCEQ’s rules governing this transfer station Application do not provide that an application for a transfer station should be denied or delayed based on the site being the subject of assessment and remediation under Chapter 350.

Comment 28:

Sheri Larson, on behalf of concerned citizens, commented that Spring Creek and its tributary were contaminated from a former City of Richardson landfill and the Fire Training Center.

Response 28:

Whether the adjacent creeks were contaminated by either of these sources is not relevant to whether this Application should be granted.

Comment 29:

Sheri Larson, on behalf of concerned citizens, commented that the Applicant failed to classify Spring Creek as a Water of the US in the Application.

Response 29:

The requirements for this Application are the same regardless of whether Spring Creek is classified as “Water of the US” or as “water in the state.”

Comment 30:

Sheri Larson, on behalf of concerned citizens, commented that the Applicant failed to conduct a Noise and Air Emissions Study.
Response 30:

The rules governing this Application do not require the Applicant to conduct a Noise and Air Emissions Study. In order to minimize noise pollution, the Applicant has indicated in Part IV, Section 21 of the Application that waste transfer will occur primarily in the enclosed transfer station building and white noise back-up alarms will be utilized on all on-site heavy equipment. The Applicant states that in addition to complying with transfer station air requirements and odor management plan will be implemented. The Odor Management Plan for the facility is included in Part III, Appendix III-D.

Comment 31:

Some commenters expressed support for the proposed facility or asked that the permit Application be approved.

Response 31:

The Executive Director acknowledges these comments.

Changes Made to the Draft Permit in Response to Comments

No changes were made to the Draft Permit in response to comments.

Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE EXECUTIVE DIRECTOR
Certificate of Service

I certify that on June 13, 2013 the Executive Director’s Response to Public Comment for Permit No. 53A was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.

[Signature]

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