



505 East Huntland Drive  
Suite 250  
Austin, TX 78752

512.329.6080 PHONE  
512.329.8750 FAX

www.TRCsolutions.com

March 28, 2011

Texas Commission on Environmental Quality  
Waste Permits Division  
Municipal Solid Waste Permits Section / MC 124  
P.O. Box 13087  
Austin, Texas 78711-3087

**Reference: Submission of Application for New MSW Permit  
Rancho Viejo Waste Management, LLC Type I Landfill  
Laredo, Webb County, Texas**

Dear Waste Permits Team Members:

On behalf of Rancho Viejo Waste Management, LLC, I am pleased to submit four copies of the referenced MSW permit application. This application requests a permit for a proposed Type I municipal solid waste (MSW) landfill under the provisions of Title 30 of the Texas Administrative Code (30 TAC) Chapter 330.9.

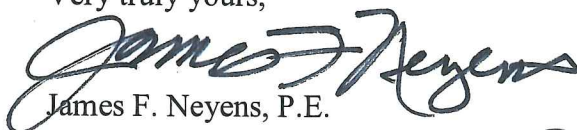
In accordance with §330.57 (a), we are submitting only Parts I and II of the MSW application at this time. We are requesting TCEQ to proceed with a determination of land use compatibility only at this time. Meanwhile, we are continuing the preparation of Parts III and IV of this application and intend to submit these for consideration at the appropriate time.

The required \$150.00 application fee has been submitted separately to the TCEQ Financial Administration Division (see copy of documentation enclosed). The application is being posted for public review on the internet at the URL address shown in the Part I application form.

We believe the enclosed application addresses all of the pertinent requirements of 30 TAC Chapter 330, Subchapters B and D, and other related or referenced sections.

If you have any questions or require additional information, please contact me.

Very truly yours,

  
James F. Neyens, P.E.

cc: TCEQ-Laredo Region Office



**APPLICATION FOR PERMIT**  
**TYPE I MUNICIPAL SOLID WASTE FACILITY**  
**MSW PERMIT NO. XXXX**  
**PESCADITO ENVIRONMENTAL**  
**RESOURCE CENTER**  
**RANCHO VIEJO WASTE MANAGEMENT, LLC**  
**SOLID WASTE DISPOSAL FACILITY**  
**LAREDO, WEBB COUNTY, TEXAS**

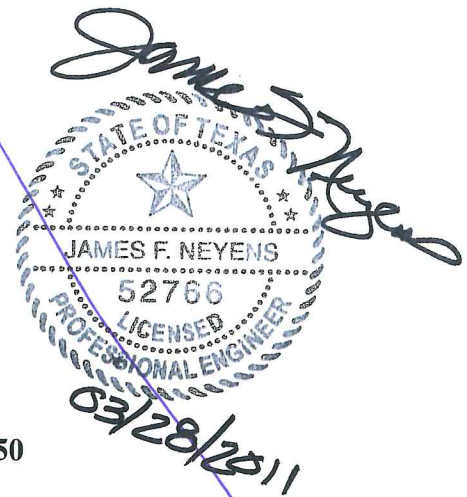
March 28, 2011

Prepared By:



505 East Huntland Drive, Suite 250  
Austin, Texas 78752  
(512) 329-6080

TRC Environmental Corporation  
TBPE Firm Registration No. 3775





## TABLE OF CONTENTS

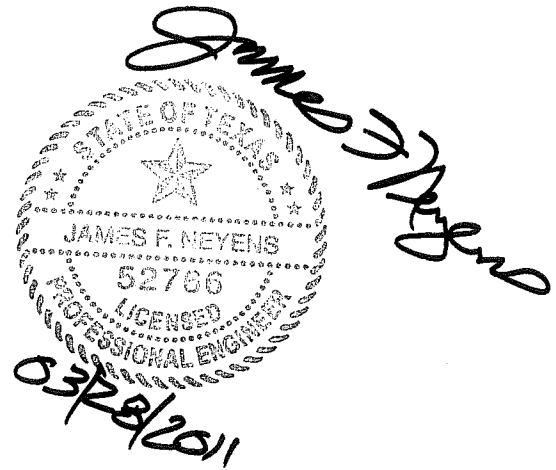
TCEQ Core Data Form	
TCEQ Part I Application Form (Form TCEQ-0650)	
	<b>Page</b>
<b>Part I</b>	
Table of Contents .....	2
Table of Contents .....	2
1.0 REQUIREMENTS OF §305.45 [330.59(a)].....	3
1.1 Form TCEQ-0650 [305.45(a)(1)-(5)].....	3
1.2 Maps [305.45(a)(6)] .....	3
1.3 Permits or Construction Approvals [305.4(a)(7)] .....	3
1.4 Supplementary Technical Report [305.45 (a) (8)] .....	4
1.4.1 General Description of the Facilities .....	4
1.4.2 Volumes, Rates and Characteristics of Wastes.....	11
1.4.3 Other Information .....	13
2.0 FACILITY LOCATION [330.59(b)].....	14
3.0 MAPS [330.59 (c)].....	15
4.0 PROPERTY OWNER INFORMATION [330.59 (d)].....	21
4.1 Legal Description .....	21
4.2 Property Owner Affidavit.....	21
5.0 LEGAL AUTHORITY [330.59 (e)] .....	22
6.0 EVIDENCE OF COMPETENCY [330.59 (f)] .....	23
7.0 APPOINTMENTS [330.59 (g)] .....	24
8.0 APPLICATION FEE [330.59 (h)] .....	25

**Attachments**

- Attachment A           Legal Description
- Attachment B           Certificate of Incorporation
- Attachment C           Payment Demonstration

**Figures**

- Figure 1                General Location Map
- Figure 2                Detailed Location Map
- Figure 3                Land Ownership Map
- Figure 4                Metes and Bounds Description of Site



**Part II**

1.0 EXISTING CONDITIONS SUMMARY – [330.61 (a)] ..... 4

2.0 WASTE ACCEPTANCE PLAN [330.61 (b)] ..... 8

    2.1 General ..... 8

    2.2 Sources and Characteristics of Waste ..... 8

    2.3 Quantity of Waste..... 9

3.0 GENERAL LOCATION MAPS [330.61 (c)]..... 10

4.0 FACILITY LAYOUT MAPS [330.61 (d)] ..... 11

5.0 GENERAL TOPOGRAPHIC MAPS [330.61 (e)]..... 12

6.0 AERIAL PHOTOGRAPH [330.61 (f)]..... 13

7.0 LAND-USE MAP [330.61 (g)]..... 14

8.0 IMPACT ON SURROUNDING AREA [330.61 (h)]..... 15

    8.1 Potential Impact on Human Health ..... 15

    8.2 Potential Impact on the Environment ..... 17

    8.3 Compatibility with the Surrounding Area ..... 17

9.0 TRANSPORTATION [330.61 (i)]..... 20

10.0 GENERAL GEOLOGY AND SOILS STATEMENT [330.61 (j)]..... 21

11.0 GROUNDWATER AND SURFACE WATER [330.61 (k)]..... 23

12.0 ABANDONED OIL AND WATER WELLS [330.61 (l)] ..... 26

13.0 FLOODPLAINS AND WETLANDS STATEMENT [330.61 (m)]..... 27

14.0 ENDANGERED OR THREATENED SPECIES [330.61 (n)]..... 29

15.0 TEXAS HISTORICAL COMMISSION REVIEW [330.61 (o)]..... 30

16.0 COUNCIL OF GOVERNMENTS AND LOCAL GOVERNMENT REVIEW [330.61 (p)]..... 31

**Figures**

- Figure 1 General Location Map
- Figure 2 Wind Rose Map
- Figure 3 Facility Layout Map
- Figure 4 Operations Area Layout Map
- Figure 5 Future Operations Area Layout Map (To Be Developed)
- Figure 6 General Topographic Map
- Figure 7 Aerial Photograph
- Figure 8 Land Use Map
- Figure 9 Supplemental Land Use Map

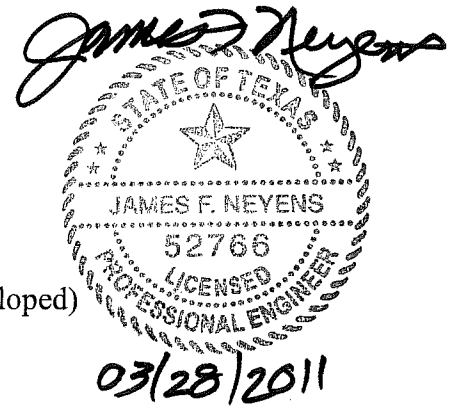
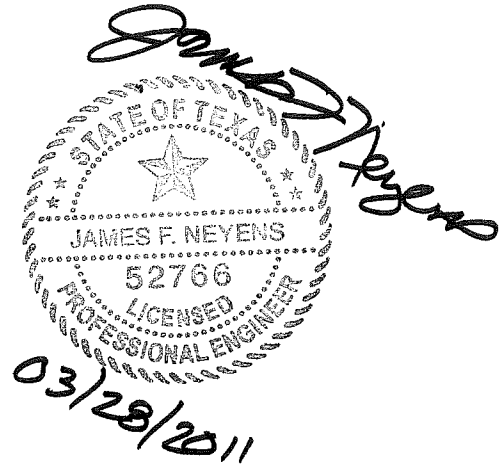


Figure 10

Flood Insurance Rate Map

**Attachments**

- Attachment A T&E Species and Wetlands Assessment
- Attachment B TxDOT Coordination
- Attachment C Texas Historical Commission Review
- Attachment D Cultural Resources Review
- Attachment E Local Agency Coordination







TCEQ Use Only

# TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

<b>1. Reason for Submission</b> (If other is checked please describe in space provided)			
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application)			
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other	
<b>2. Attachments</b> Describe Any Attachments: (ex. Title V Application, Waste Transporter Application, etc.)			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Municipal Solid Waste Permit Application Part I Form and Parts I & II	
<b>3. Customer Reference Number (if issued)</b>		<b>4. Regulated Entity Reference Number (if issued)</b>	
CN		RN	

## SECTION II: Customer Information

<b>5. Effective Date for Customer Information Updates (mm/dd/yyyy)</b>		3/28/2011	
<b>6. Customer Role</b> (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check only <u>one</u> of the following:			
<input type="checkbox"/> Owner	<input type="checkbox"/> Operator	<input checked="" type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee	<input type="checkbox"/> Responsible Party	<input type="checkbox"/> Voluntary Cleanup Applicant	<input type="checkbox"/> Other: _____
<b>7. General Customer Information</b>			
<input checked="" type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State)		<input type="checkbox"/> Change in Regulated Entity Ownership	
<input type="checkbox"/> No Change**			
<b>**if "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.</b>			
<b>8. Type of Customer:</b>			
<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship- D.B.A	
<input type="checkbox"/> City Government	<input type="checkbox"/> County Government	<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> Other Government	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Partnership	<input checked="" type="checkbox"/> Other: <u>Limited Liability Company</u>
<b>9. Customer Legal Name</b> (If an individual, print last name first: ex: Doe, John)		If new Customer, enter previous Customer End Date:	
Rancho Viejo Waste Management, LLC			
<b>10. Mailing Address:</b>			
1116 Calle del Norte			
City	Laredo	State	TX
ZIP	78041	ZIP + 4	
<b>11. Country Mailing Information</b> (if outside USA)		<b>12. E-Mail Address</b> (if applicable)	
		ccitollroad@aim.com	
<b>13. Telephone Number</b>		<b>14. Extension or Code</b>	
( 956 ) 523-1400		0	
		<b>15. Fax Number</b> (if applicable)	
		( 956 ) 523-1401	
<b>16. Federal Tax ID</b> (9 digits)		<b>17. TX State Franchise Tax ID</b> (11 digits)	
N/A		32042449358	
		<b>18. DUNS Number</b> (if applicable)	
		N/A	
		<b>19. TX SOS Filing Number</b> (if applicable)	
		801306787	
<b>20. Number of Employees</b>			<b>21. Independently Owned and Operated?</b>
<input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## SECTION III: Regulated Entity Information

<b>22. General Regulated Entity Information</b> (If "New Regulated Entity" is selected below this form should be accompanied by a permit application)			
<input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information <input type="checkbox"/> No Change** (See below)			
<b>**if "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.</b>			
<b>23. Regulated Entity Name</b> (name of the site where the regulated action is taking place)			
Pescadito Environmental Resource Center			



24. Street Address of the Regulated Entity: <i>(No P.O. Boxes)</i>	Rancho Viejo Waste Management, LLC						
	1116 Calle del Norte						
	City	Laredo	State	TX	ZIP	78041	ZIP + 4
J. Mailing Address:	Rancho Viejo Waste Management, LLC						
	1116 Calle del Norte						
	City	Laredo	State	TX	ZIP	78041	ZIP + 4
26. E-Mail Address:	cba@stx.rr.com						
27. Telephone Number	28. Extension or Code			29. Fax Number <i>(if applicable)</i>			
( 956 ) 523-1400				( 956 ) 523-1401			
30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)	32. Primary NAICS Code (5 or 6 digits)		33. Secondary NAICS Code (5 or 6 digits)			
4953		562212		562920			
34. What is the Primary Business of this entity? <i>(Please do not repeat the SIC or NAICS description.)</i>							
Solid Waste Recycling and Disposal							

Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.

35. Description to Physical Location:	From Loop Hwy 20, go east on SH 359 approximately 15 miles to Jordan Road; go north approx. 5.1 miles to entrance to Yugo Ranch, go approx. 2 miles northward on ranch road.					
36. Nearest City	County		State		Nearest ZIP Code	
Laredo	Webb		TX		78041	
37. Latitude (N) In Decimal:	27.559 N		38. Longitude (W) In Decimal:	99.160 W		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
27	33	32.4	99	9	35.9994	

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the es may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Industrial Hazardous Waste	<input checked="" type="checkbox"/> Municipal Solid Waste
<input type="checkbox"/> New Source Review – Air	<input checked="" type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS	<input type="checkbox"/> Sludge
<input checked="" type="checkbox"/> Stormwater	<input type="checkbox"/> Title V – Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil	<input type="checkbox"/> Utilities
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

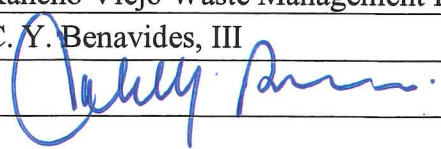
#### SECTION IV: Preparer Information

40. Name:	James F. Neyens, P.E.	41. Title:	Consulting Engineer
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
( 512 ) 684-3156	N/A	( 512 ) 329-8750	jneyens@trcsolutions.com

#### SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

*(See the Core Data Form instructions for more information on who should sign this form.)*

Company:	Rancho Viejo Waste Management LLC	Job Title:	Manager
Signature (In Print):	C. Y. Benavides, III	Phone:	( 956 ) 523-1400
Signature:		Date:	April 1, 2011



# Texas Commission on Environmental Quality

## Permit or Registration Application for Municipal Solid Waste Facility

### Part I

#### A. General Information

Facility Name:	Pescadito Environmental Resource Center			
Physical or Street Address (if available):	(not available)			
(City) (County)( State)( Zip Code):	Laredo	Webb	TX	78041
(Area Code) Telephone Number:	(956) 523-1400			
Charter Number:	801306787			

If the application is submitted on behalf of a corporation, provide the Charter Number as recorded with the Office of the Secretary of State for Texas.

Operator Name <sup>1</sup> :	Rancho Viejo Waste Management, LLC			
Mailing Address:	1116 Calle del Norte			
(City) (County)( State)( Zip Code):	Laredo	Webb	TX	78041
(Area Code) Telephone Number:	(956) 523-1400			
(Area Code) FAX Number:	(956) 523-1401			
Charter Number:	801306787			

If the permittee is the same as the operator, type "Same as Operator".

Permittee Name:	Same as Operator			
Physical or Street Address (if available):				
(City) (County)( State)( Zip Code):			TX	
(Area Code) Telephone Number:				
Charter Number:				

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas Secretary of State's office and provide a complete mailing address for the agent. The agent must be a Texas resident.

Agent Name:	N/A			
Mailing Address:				
(City) (County)( State)( Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

#### Application Type:

<input checked="" type="checkbox"/>	Permit	<input type="checkbox"/>	Major Amendment	<input type="checkbox"/>	Minor Amendment
<input type="checkbox"/>	Registration	<input type="checkbox"/>	Modification	<input type="checkbox"/>	Temporary Authorization
		X	w/Public Notice		
		<input type="checkbox"/>	w/out Public Notice	<input type="checkbox"/>	Notice of Deficiency Response

<sup>1</sup> The operator has the duty to submit an application if the facility is owned by one person and operated by another [30 TAC 305.43(b)]. The permit will specify the operator and the owner who is listed on this application [Section 361.087 Texas Health and Safety Code].



Facility Classification:

<input checked="" type="checkbox"/> Type I	<input type="checkbox"/> Type IV	<input type="checkbox"/> Type V	<input type="checkbox"/> Type IX
<input type="checkbox"/> Type I AE	<input type="checkbox"/> Type IV AE	<input type="checkbox"/> Type VI	

Activities covered by this application (check all that apply):

<input checked="" type="checkbox"/> Storage	<input checked="" type="checkbox"/> Processing	<input checked="" type="checkbox"/> Disposal
---	--	--

Waste management units covered by this application (check all that apply):

<input checked="" type="checkbox"/> Containers	<input checked="" type="checkbox"/> Tanks	<input type="checkbox"/> Surface Impoundments	<input checked="" type="checkbox"/> Landfills
<input type="checkbox"/> Incinerators	<input type="checkbox"/> Composting	<input type="checkbox"/> Type IV Demonstration Unit	<input type="checkbox"/> Type IX Energy/Material Recovery
<input type="checkbox"/> Other (Specify)		<input type="checkbox"/> Other (Specify)	
<input type="checkbox"/> Other (Specify)		<input type="checkbox"/> Other (Specify)	

Is this submittal part of a Consolidated Permit Processing request, in accordance with 30 TAC Chapter 33?

Yes  No

If yes, state the other TCEQ program authorizations requested.

Provide a brief description of the portion of the facility covered by this application. For amendments, modifications, and temporary authorizations, provide a brief description of the exact changes to the permit or registration conditions and supporting documents referenced by the permit or registration. Also, provide an explanation of why the amendment, modification, or temporary authorization is requested.

Type I MSW landfill, Type V grease and grit trap waste processing, and processing of recyclables.

Does the application contain confidential Material?  Yes  No

If yes, cross-reference the confidential material *throughout the application* and submit as a separate document or binder conspicuously marked "CONFIDENTIAL."

Alternative Language Notice Instructions

For certain permit applications, public notice in an alternate language is required. If an elementary school or middle school nearest to the facility offers a bilingual program, notice may be required to be published in an alternative language. The Texas Education Code, upon which the TCEQ alternative language notice requirements are based, trigger a bilingual education program to apply to an entire school district should the requisite alternative language speaking student population exist. However, there may not exist any bilingual students at a particular school within a district which is required to offer the bilingual education program. For this reason, the requirement to publish notice in an alternative language is triggered if the nearest elementary or middle school, as a part of a larger school district, is required to make a bilingual education program available to qualifying students and either the school has students enrolled at such a program on-site, or has students who attend such a program at another location in satisfaction of the school's obligation to provide such a program as a member of a triggered district.

If it is determined that an alternative language notice is required, the applicant is responsible for ensuring that the publication in the alternate language is complete and accurate in that language. Electronic versions of the Spanish template examples are available from the TCEQ to help the applicant complete

the publication in the alternative language.

Alternative Language Notice Application Form:

Alternative language notice confirmation for this application:

- 1. Is a bilingual program required by the Texas Education Code in the school district where the facility is located?  YES  NO

(If NO, alternative language notice publication not required)

- 2. If YES to question 1, are students enrolled in a bilingual education program at either the elementary school or the middle school nearest to the facility?  YES  NO

(IF YES to questions 1 and 2, alternative language publication is required; If NO to question 2, then consider the next question)

- 3. If YES to question 1, are there students enrolled at either the elementary school or the middle school nearest to the facility who attend a bilingual education program at another location?  YES  NO

(If Yes to questions 1 and 3, alternative language publication is required; If NO to question 3, then consider the next question)

- 4. If YES to question 1, would either the elementary school or the middle school nearest to the facility be required to provide a bilingual education program but for the fact that it secured a waiver from this requirement, as available under 19 TAC '89.1205(g)?  YES  NO

(If Yes to questions 1 and 4, alternative language publication is required; If NO to question 4, alternative language notice publication not required)

If a bilingual education program(s) is provided by either the elementary school or the middle school nearest to the facility, which language(s) is required by the bilingual program? Spanish and English

Note: Applicants for new permits and major amendments must make a copy of the administratively complete application available at a public place in the county where the facility is, or will be, located for review and copying by the public.

Public place where administratively complete permit application will be located.				
Public Place (e.g., public library, county court house, city hall, etc.):	Laredo Public Library			
Mailing Address:	1120 East Calton Road			
(City) (County)( State)( Zip Code):	Laredo	Webb	TX	78041
(Area Code) Telephone Number:	(956) 789-2400			

**B. Facility Location**

Except for Type I AE and Type IV AE landfill facilities, for permits, registrations, amendments, and modifications requiring public notice, provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted.
www.pescaditoERC.com

Local Government Jurisdiction:	Webb County
Within City Limits of:	N/A
Within Extraterritorial Jurisdiction of City of:	N/A
Is the proposed municipal or industrial solid waste disposal or processing facility located in an area in which the governing body of the municipality or county has prohibited the disposal or processing of municipal or industrial solid waste? (If YES, provide a copy of the ordinance or order):	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

Provide a description of the location of the facility with respect to known or easily identifiable landmarks.
Approximately 5 miles southeast of U.S. Hwy 59 at Ranchitos Las Lomas

Detail the access routes from the nearest United States or state highway to the facility.
From SH 359, go northward on Jordan Road approx. 5.1 miles to entrance of Yugo Ranch, then approx. 2 miles on privately-owned ranch road to facility entrance.

Provide the latitudinal and longitudinal geographic coordinates of the facility.

Latitude	N 27.559
Longitude	W 99.160
Elevation (above msl)	564.67

Is the facility within the Coastal Management Program boundary?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
---	------------------------------	--

Texas Department of Transportation District Location:

TXDOT District Name & Number:	Laredo District			
District Engineer's Name:	Albert Quintanilla, P.E.			
Street or P. O. Box:	1817 Bob Bullock Loop			
(City) (County)( State)( Zip Code):	Laredo	Webb	TX	78043
(Area Code) Telephone Number:	(956) 712-7405			
(Area Code) FAX Number:	(956) 712-7401			

The local governmental authority or agency responsible for road maintenance:

Agency Name	Webb County Road and Bridge Department			
Contact Person's Name:	Jose Luis Ramos			
Street or P. O. Box:	1817 Bob Bullock Loop			
(City) (County)( State)( Zip Code):	Laredo	Webb	TX	78043
(Area Code) Telephone Number:	(956) 712-7714			
(Area Code) FAX Number:	(956) 727-5867			

State Representative:

District Number:	42			
State Representative's Name:	Richard Pena Raymond			
District Office Address:	1110 Houston St., Third Floor			
(City) (County)( State)( Zip Code):	Laredo	Webb	TX	78040
(Area Code) Telephone Number:	(956) 753-7722			



(Area Code) FAX Number:	(956) 753-7729
-------------------------	----------------

State Senator:

District Number:	21			
State Senator's Name:	Judith Zaffirini			
District Office Address:	P.O. Box 627			
(City) (County)( State)( Zip Code):	Laredo	Webb	TX	78042
(Area Code) Telephone Number:	(956) 722-2293			
(Area Code) FAX Number:	(956) 722-8586			

Council of Government (COG) Information:

COG Name:	South Texas Development Council			
COG Representative's Name:	Amando Garza, Jr.			
COG Representative's Title:	Executive Director			
Street or P. O. Box:	1002 Dicky Lane			
(City) (County)( State)( Zip Code):	Laredo	Webb	TX	78043
(Area Code) Telephone Number:	(956) 722-3995			
(Area Code) FAX Number:	(956) 722-2670			

River Basin Information:

River Authority:	(None)			
Contact Person's Name:				
Watershed Sub-Basin Name:				
Street or P. O. Box:				
(City) (County)( State)( Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

This site is located in the following District of the U.S. Army Corps of Engineers:				
<input type="checkbox"/> Albuquerque, NM	<input checked="" type="checkbox"/> Ft. Worth, TX	<input type="checkbox"/> Galveston, TX	<input type="checkbox"/> Tulsa, OK	

**C. Maps**

General

For permits, registrations, and amendments only, submit a topographic map, ownership map, county highway map, or a map prepared by a registered professional engineer or a registered surveyor which shows the facility and each of its intake and discharge structures and any other structure or location regarding the regulated facility and associated activities. Maps must be of material suitable for a permanent record, and shall be on sheets 8-1/2 inches by 14 inches or folded to that size, and shall be on a scale of not less than one inch equals one mile. The map shall depict the approximate boundaries of the tract of land owned or to be used by the applicant and shall extend at least one mile beyond the tract boundaries sufficient to show the following:

- each well, spring, and surface water body or other water in the state within the map area;
- the general character of the areas adjacent to the facility, including public roads, towns and the nature of development of adjacent lands such as residential, commercial, agricultural, recreational, undeveloped, etc;
- the location of any waste disposal activities conducted on the tract not included in the application; and
- the ownership of tracts of land adjacent to the facility and within a reasonable distance from the proposed point or points of discharge, deposit, injection, or other place of disposal or activity.

### General location maps

For permits, registrations, and amendments only, submit at least one general location map at a scale of one-half inch equals one mile. This map shall be all or a portion of a county map prepared by Texas Department of Transportation (TxDOT). If TxDOT publishes more detailed maps of the proposed facility area, the more detailed maps shall also be included in Part I. Use the latest revision of all maps.

### Land ownership map

Provide a map that locates the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 1/4 mile of the facility, on-site facility easement holders, and all mineral interest ownership under the facility.

### Landowners list

Provide the adjacent and potentially affected landowners' list, keyed to the land ownership map with each property owner's name and mailing address. The list shall include all property owners within 1/4 mile of the facility, easement holders, and all mineral interest ownership under the facility. Provide the property, easement holders', and mineral interest owners' names and mailing addresses derived from the real property appraisal records as listed on the date that the application is filed. Provide the list in electronic form, as well.

### **D. Property owner information**

For permits, registrations, amendments, and modifications that change the legal description, a change in owner, or a change in operator only, provide the following:

- (1) the legal description of the facility;
  - (A) the abstract number as maintained by the Texas General Land Office for the surveyed tract of land;
  - (B) the legal description of the property and the county, book, and page number or other generally accepted identifying reference of the current ownership record;
  - (C) for property that is platted, the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the final plat, in addition to a written legal description;
  - (D) a boundary metes and bounds description of the facility signed and sealed by a registered professional land surveyor;
  - (E) on-site easements at the facility, and
  - (F) drawings of the boundary metes and bounds description; and

- (2) a property owner affidavit signed by the owner.

### **E. Legal authority**

Provide verification of the legal status of the owner and operator, such as a one-page certificate of incorporation issued by the secretary of state. List all persons having over a 20% ownership in the proposed facility.

Indicate Ownership status of the facility:										
<input type="checkbox"/>	Private	<input checked="" type="checkbox"/>	Corporation	<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Proprietorship	<input type="checkbox"/>	Non-Profit Organization	
<input type="checkbox"/>	Public	<input type="checkbox"/>	Federal	<input type="checkbox"/>	Military	<input type="checkbox"/>	State	<input type="checkbox"/>	Regional	
<input type="checkbox"/>	County	<input type="checkbox"/>	Municipal	<input type="checkbox"/>	Other (Specify)					

Does the operator own the facility units and the facility property?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	---	-----------------------------

If "No," for permits, registrations, amendments, and modifications that changes the legal description, a change in owner, or a change in operators submit a copy of the lease for the use of or the option to buy the facility units or facility property, as appropriate, and identify:

Owner Name:	
Street or P. O. Box:	
(City) (County)( State)( Zip Code):	
(Area Code) Telephone Number:	
(Area Code) FAX Number:	
Charter Number:	

**F. Evidence of competency**

For permits, registrations, amendments, and modifications that change the legal description, a change in owner, or a change in operators submit a list of all Texas solid waste sites that the owner and operator have owned or operated within the last ten years.

Site Name	Site Type	Permit/Reg. No.	County	Dates of Operation
None				

Submit a list of all solid waste sites in all states, territories, or countries in which the owner and operator have a direct financial interest.

Site Name	Location	Dates of Operation	Regulatory Agency (Name & Address)
None			

A licensed solid waste facility supervisor, as defined in 30 TAC Chapter 30, Occupational Licenses and Registrations will be employed before commencing facility operation.

Provide the names of the principals and supervisors of the owner's and operator's organization, together with previous affiliations with other organizations engaged in solid waste activities.

Name	Previous Affiliation	Other Organization
None		

For landfill permit applications only, evidence of competency to operate the facility shall also include landfilling and earthmoving experience if applicable, and other pertinent experience, or licenses as described in 30 TAC Chapter 30 possessed by key personnel. The number and size of each type of equipment to be dedicated to facility operation will be specified in greater detail on Part IV of the application within the site operating plan.



Landfilling/Earthmoving Equipment Types	Personnel Experience or Licenses

For mobile liquid waste processing units, submit a list of all solid waste, liquid waste, or mobile waste units that the owner and operator have owned or operated within the past five years. Submit a list of any final enforcement orders, court judgments, consent decrees, and criminal convictions of this state and the federal government within the last five years relating to compliance with applicable legal requirements relating to the handling of solid or liquid waste under the jurisdiction of the commission or the United States Environmental Protection Agency. Applicable legal requirement means an environmental law, regulation, permit, order, consent decree, or other requirement.

Solid waste, liquid waste, or mobile waste units owned or operated within past 5 years	Texas and federal final enforcement orders, court judgments, consent decrees, and criminal convictions
N/A	

**G. Appointments**

Provide documentation that the person signing the application meets the requirements of 30 TAC §305.44, Signatories to Applications. If the authority has been delegated, provide a copy of the document issued by the governing body of the owner or operator authorizing the person that signed the application to act as agent for the owner or operator.

**H. Application Fees**

For a new permit, registration, amendment, modification, or temporary authorization, submit a \$150 application fee.

For authorization to construct an enclosed structure over an old, closed municipal solid waste landfill in accordance with 30 TAC 330 Subchapter T, submit a \$2,500 application fee.

If paying by check, send payment to:

Texas Commission on Environmental Quality  
 Financial Administration Division, MC 214  
 P. O. Box 13087  
 Austin, Texas 78711-3087

Payment maybe made online using TCEQ e-pay at <a href="http://www.tceq.state.tx.us/e-services/">www.tceq.state.tx.us/e-services/</a>	
E-pay confirmation number	

PROPERTY OWNER AFFIDAVIT

"I, Carlos U. BENAVIDES III, Manager  
(property owner)

acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the facility. For a facility where waste will remain after closure, I acknowledge that I have a responsibility to file with the county deed records an affidavit to the public advising that the land will be used for a solid waste facility prior to the time that the facility actually begins operating as a municipal solid waste landfill facility, and to file a final recording upon completion of disposal operations and closure of the landfill units in accordance with Title 30 Texas Administrative Code §330.19, Deed Recordation. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life and post-closure care period, if required, after closure for the purpose of inspection and maintenance."

Querry [Signature]  
(Owner signature)

April 1, 2011  
(Date)

Signature Page

I, Carlos Y. BENAVIDES III Manager  
(Operator) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: [Signature] Date: April 1, 2011

TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, \_\_\_\_\_, hereby designate \_\_\_\_\_  
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

\_\_\_\_\_  
Printed or Typed Name of Operator or Principal Executive Officer

\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me by the said Carlos Y. BENAVIDES III

On this 13<sup>th</sup> day of April, 2011

My commission expires on the 25<sup>th</sup> day of November, 2013



[Signature]  
Notary Public in and for  
Travis County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)

**PART I**

**APPLICATION FOR PERMIT**

**TYPE I MUNICIPAL SOLID WASTE FACILITY**

**MSW PERMIT NO. XXXX**

**PESCADITO ENVIRONMENTAL  
RESOURCE CENTER**

**SOLID WASTE MANAGEMENT AND  
DISPOSAL FACILITY**

**RANCHO VIEJO WASTE MANAGEMENT, LLC  
LAREDO, WEBB COUNTY, TEXAS**

**March 28, 2011**

**Prepared By:**



**505 East Huntland Drive, Suite 250  
Austin, Texas 78752  
(512) 329-6080**

**TRC Environmental Corporation  
TBPE Firm Registration No. 3775**





## Table of Contents

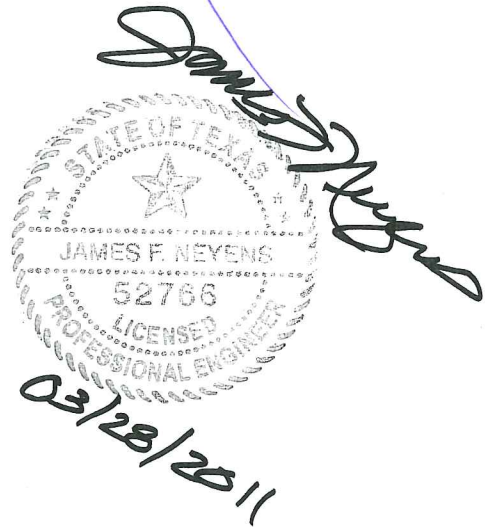
	Page
<b>Part I</b>	
1.0 REQUIREMENTS OF §305.45 [330.59(a)].....	3
1.1 Form TCEQ-0650 [305.45(a)(1)-(5)].....	3
1.2 Maps [305.45(a)(6)] .....	3
1.3 Permits or Construction Approvals [305.4(a)(7)] .....	3
1.4 Supplementary Technical Report [305.45 (a) (8)] .....	4
1.4.1 General Description of the Facilities.....	4
1.4.2 Volumes, Rates and Characteristics of Wastes .....	11
1.4.3 Other Information.....	13
2.0 FACILITY LOCATION [330.59(b)].....	14
3.0 MAPS [330.59 (c)].....	15
4.0 PROPERTY OWNER INFORMATION [330.59 (d)].....	20
4.1 Legal Description .....	20
4.2 Property Owner Affidavit.....	20
5.0 LEGAL AUTHORITY [330.59 (e)] .....	21
6.0 EVIDENCE OF COMPETENCY [330.59 (f)].....	22
7.0 APPOINTMENTS [330.59 (g)] .....	23
8.0 APPLICATION FEE [330.59 (h)] .....	24

### Figures

Figure 1	General Location Map
Figure 2	Detailed Location Map
Figure 3	Land Ownership Map
Figure 4	Metes and Bounds Description of Site

### Attachments

Attachment A	Legal Description
Attachment B	Certificate of Incorporation
Attachment C	Payment Demonstration



## **1.0 REQUIREMENTS OF §305.45 [330.59(a)]**

### **1.1 Form TCEQ-0650 [305.45(a)(1)-(5)]**

Form TCEQ-0650 provides names, addresses, locations, contact information, and other required information for the facility, owner, and applicant. It also contains a brief description of the nature of the business and activities to be conducted by the applicant that require a permit. Additional information on these activities may be found in Section 1.4.1 below.

### **1.2 Maps [305.45(a)(6)]**

A topographical map is provided as Figure 6, Part II. The landowner's map is provided as Figure 3, Part I. County highway maps were used to prepare Figures 1 and 2, Part I. The Facility Layout Map and Operations Area Layout Map, Figures 3 and 4 in Part II, portray the location of regulated facilities and associated activities to the extent currently known. Locations of specific facilities may change during the detailed design of the facility in the preparation of Parts III and IV of this application.

Existing wells and surface water bodies are shown by the Land Use Map, Figure 8, Part II. There are no springs. This figure, the Supplemental Land Use Map, and the Aerial Photograph, collectively Figures 7, 8, and 9, Part II, show the general character of areas adjacent to the Facility. There are no existing waste disposal activities at or near the facility, so none can be shown. The ownership of all tracts of land adjacent to and within ¼ mile of the Facility is shown on the Land Ownership Map, Figure 3, Part I.

### **1.3 Permits or Construction Approvals [305.4(a)(7)]**

Following is the status of permits or construction approvals received, applied for (or anticipated to be applied for):

Hazardous Waste Management Program under the Texas Solid Waste Disposal Act – not applicable to proposed facility,

Underground Injection Control Program under the Texas Injection Well Act – an application for a Class 2 injection well permit will be submitted in the future, for disposal of oil field wastewater,

National Pollutant Discharge Elimination System Program under the Clean Water Act and Waste Discharge Program under the Texas Water Code, Chapter 26 – an NOI will be submitted to TCEQ for coverage by a storm water discharge general permit,

Prevention of Significant Deterioration Program under the Federal Clean Air Act (FCAA) – not applicable to proposed facility,

Nonattainment Program under the FCAA - not applicable to proposed facility,

National emission standards for hazardous air pollutants preconstruction approval under the FCAA - not applicable to proposed facility,

Ocean dumping permits under the Marine Protection Research and Sanctuaries Act - not applicable to proposed facility,

Dredge or fill permits under the FCWA – an application for a permit under Section 404 of the FCWA will be filed, as necessary, in the future,

Licenses under the Texas Radiation Control Act - not applicable to proposed facility,

Subsurface area drip dispersal system permits under Texas Water Code, Chapter 32 - not applicable to proposed facility, and

Other environmental permits –a permit will be obtained for an on-site sewage facility (OSSF) if required by Webb County rules.

#### **1.4 Supplementary Technical Report [305.45 (a) (8)]**

##### **1.4.1 General Description of the Facilities**

Rancho Viejo Waste Management, LLC (RVWM) owns a 1,110 acre tract of land (site) about 20 miles east of Laredo in Webb County, Texas and proposes to establish a solid waste management facility on this site. The proposed facility is known as Pescadito Environmental Resource Center (PERC). The site is ideally located for such a facility because of the favorable soil and geological conditions, its isolation from groundwater, absence of neighbors or potentially conflicting land uses, and transportation access. The site is located entirely within the 12,194 acre Yugo Ranch that is owned by Rancho Viejo Cattle Company, Ltd. and has been family-owned for generations, and has been used for cattle ranching and oil and gas production for many years. The owners of the Yugo Ranch support the development of PERC. They view the proposed solid waste management and landfill disposal as the next stage in land use at the site, one that is fully compatible with historic and ongoing extraction of oil and gas, as well as cattle ranching.

PERC will be a comprehensive waste management facility that will provide municipal and industrial solid waste landfill disposal, processing of recyclable materials to extract reusable commodities, processing of liquid wastes from grease and grit traps, and disposal of liquid waste from the oilfield in an injection well. The largest part of the site will be devoted to a landfill up to as much as 800-850 acres. The landfill will be designed and permitted as a Type I municipal solid waste (MSW) landfill that will accept essentially all categories of MSW, Class 2 and 3 industrial solid waste, and certain types of Class 1 non-hazardous wastes. The landfill will be designed for recirculation of



leachate and for recovery of landfill gas for beneficial use. Because the site area already contains many natural gas wells, it is expected that landfill gas will be processed and/or scrubbed as it is generated to produce gas of marketable quality, which will then be metered and introduced into the nearby existing natural gas gathering system. Other facilities planned for the site include a material recovery facility (known in the waste industry as a “clean MRF”) to process co-mingled recyclables, such as those collected in the single-stream curbside collection programs that have become popular in many cities in the U.S. The clean MRF will process these recyclable materials to separate them into various commodities for sale. Potentially, a MRF for electronic waste (e-waste) may also be established at the site.

**Transportation Access** - One characteristic of the site that is favorable for the development of PERC is the site’s access to a relatively inexpensive bulk transportation system, a nearby railroad. The majority of the waste and recyclable materials to be brought to PERC will be hauled by rail, and this waste and material will not travel on public roads in any highly populated area in or near Laredo. The site is accessible for waste hauled by truck, as it is located about four miles from U.S. Highway 59 (Hwy 59) and about five miles from Texas Highway 359 (SH 359), and about 25 miles from Interstate 35 (I-35) in Laredo. Both highways provide suitable access to the site from Laredo, Corpus Christi (110 miles), San Antonio (130 miles), Austin (250 miles) and Houston (325 miles). The access route to the site from Laredo will be SH 359 via Jordan Road, which is an all-weather surface roadway managed by Webb County. Jordan Road “dead ends” at Yugo Ranch about 5.1 miles north of SH 359. There are no vehicle weight limits posted on this road. The access road from Hwy 59 will be used only in case of emergency, not for the routine traffic by trucks hauling solid waste. The owners of Yugo Ranch will convey an easement generally along existing all-weather ranch roads to RVWM, as necessary to ensure access to the landfill site, and RVWM will improve and maintain this road as its main access route. The existing all-weather access roadway between PERC and Hwy 59 is proposed to be maintained strictly as a secondary, emergency use only, access route into the facility. In the event that road maintenance is being performed on the primary access road, or unusual weather has disrupted access, the secondary access road could be used temporarily to keep the facility in service.

The main line of the Kansas City Southern Railway Co. (KCS) between the United States and Mexico passes through Yugo Ranch about two miles from the site. KCS acquired this portion of its rail system from the Texas Mexican Railway Company (Tex Mex) through a merger in 1995. Through this and other mergers and acquisitions over the years, KCS now owns or has direct access to rail lines in the United States that extend from Chicago and the Twin Cities in the north, through Illinois and Missouri south to Texas, east into Tennessee and Alabama, and throughout Louisiana. Significantly, the KCS rail lines also

extend throughout the industrialized portions of Mexico. Additionally, KCS has established formal marketing agreements with Norfolk Southern RR in the northeast U.S., CSX in the southeast, Union Pacific in the midwest to the West Coast, and BNSF in the midwest, northwest, and southwest. KCS marketing agreements also include the Canadian Pacific RR and Canadian National RR. Having these partnership agreements in addition to its owned tracks gives KCS access to all population and industrial centers in North America, allowing it to benefit from international trade and shipping under the North American Free Trade Agreement (NAFTA).

The rail network of KCS and the presence of the KCS main line within two miles of the site provide a significant advantage to this facility. Railroads have re-established a prominent role in the U.S. shipping industry, particularly for long-distance and bulky or heavy commodity shipping. High diesel fuel costs in recent years redefined shipping in the U.S. High fuel costs have adversely impacted the profitability of the trucking industry and made railroads much more economical than trucks for hauling heavy loads long distances. Marketing agreements between railroads, such as those put in place by KCS, and computerized programming of routes and rail car shipments have helped railroads become much more cost effective than in the past. There is probably no better endorsement of the renewed viability of railroads than the purchase of the Burlington Northern and Santa Fe RR (BNSF) by Warren Buffet in November 2009. Mr. Buffet is traditionally ranked as one of the two or three wealthiest persons in the world by Forbes Magazine. Many investors believe Mr. Buffet is wealthy because of his sound investments.

**Favorable Site Conditions** - A second characteristic that is favorable for the development of PERC is the suitability of the site. The site offers excellent land use compatibility, highly favorable soil, groundwater and climatological conditions, and absence of any other potentially detrimental environmental issues. Conditions at the site are either highly favorable or capable of being properly addressed through appropriate facility design or other reasonable precautions. Only two permanent residential structures, including one house and one mobile home, are located within a one-mile radius of the site. These are located at the headquarters of Yugo Ranch, the host ranch. The human population within a five-mile radius of the site is estimated to be about 350 persons, essentially all living in the small community of Ranchitos Las Lomas located along Hwy 59 about four miles northwest of the site.

Soil in the upper 160 feet at the site was found to be predominantly clay, occasionally interbedded with claystone, sandstone and shale, and these soil types are believed to extend much deeper. The soils exist in nearly horizontal beds that exhibit very low vertical permeability. These soil conditions provide a naturally favorable site setting, and

the clay will provide excellent material for construction of liners, caps and cover systems. Surficial soils are stable and resist erosion, as evidenced by the absence of stream beds or other drainage features cut into the surface topography.

While groundwater is encountered in thin layers of sandy or silty material within otherwise highly impermeable clay, this groundwater is essentially not usable due to its very low production potential and poor water quality. The uppermost aquifer beneath the site that is capable of producing water in potentially useful quantities to wells is the Jackson-Yegua Aquifer, which is expected to be encountered in the upper 750 feet below ground surface at the facility area. Water in this aquifer is poor to very poor in quality, due to concentrations of total dissolved solids, chloride and sulfate that exceed Federal drinking water standards. The Jackson-Yegua Aquifer is classified as a minor aquifer, because it produces relatively low yields of highly mineralized water. These water quantity and quality issues limit the usefulness of Jackson-Yegua Aquifer water for human consumption and agricultural uses such as livestock watering or crop irrigation. The site area is geologically stable, with no evidence of faults and a historical earthquake incidence rate significantly below the Texas state average. Rainfall averages about 20 inches per year, and will favor a water balance final cover system. About 3.1 inches of rain falls in May and 3 inches in September, the two wettest periods of the year. Some rainfalls are relatively intense, and this combines with the very low permeability of the site's soils and very flat slopes to produce relatively broad areas that are subject to inundation during the 100-year frequency rainfall event. However, the site is situated in a mostly upland area near the top of the watershed, and existing or proposed livestock watering tanks capture and store a portion of the area's storm water runoff. As a result, the quantity of storm water runoff that will flow across the site is relatively low. Such runoff volumes can be readily contained in the perimeter drainage system that will be designed to remove all of the landfill footprint from the 100-year flood plain.

**National Trend for Regional Landfills and Longer Hauling Distances-** A third factor that supports the proposed facility is the national trend to fewer but larger landfills that serve more distant waste generators through long hauling. This trend is not nearly as evident in Texas as it is in other areas of the country such as the Northeast, the Northwest and California. For years many landfills in these parts of the country have been reaching capacity and closing. Conflicting land use and too many nearby neighbors made expanding many existing landfills uneconomical or virtually impossible. In many areas of the country there is also a scarcity of potential new landfill sites that meet all the necessary criteria, including: sufficiently large land area; suitable soil, geology, and groundwater conditions; acceptable neighboring land use; and access to economical transportation.

**Description of Facilities and Systems** – PERC will be designed and permitted to accept a variety of waste types. However, regulated hazardous waste and regulated radioactive wastes will not be accepted. Types of wastes that will be accepted for landfill disposal include:

Municipal solid waste,

Non-hazardous industrial waste,

Construction and demolition waste,

Coal combustion ash and pollution control sludges,

Filter cake and process sludge from industrial and municipal water and wastewater treatment plants,

Non-hazardous industrial waste from maquiladora industries in Mexico, and

Event-type waste from disaster clean-ups.

Materials that will be received for processing may include:

Unsorted or mixed recyclables for processing and recovery of commodities,

Scrap tires for processing and beneficial reuse,

Electronic waste for processing and beneficial reuse, and

Grease trap and grit trap wastes for processing and potentially beneficial reuse.

Materials that will be received for deep well injection include liquids from oil and gas exploration and production under the regulatory jurisdiction of the Railroad Commission of Texas (RCT).

Waste for landfill disposal at PERC is anticipated to be between 1,000,000 and 2,000,000 tons per year (tpy) in the first few years after the landfill is permitted and constructed. This is between about 2,750 and 5,500 tons per day (tpd), based on receiving waste seven days per week. Going forward, the facility might receive a higher rate of waste, and will have ample capacity to accept larger quantities, but it is difficult to estimate what the future quantity may be. It is expected that almost all incoming waste will be received based on multi-year contracts with generating sources, which will be a combination of local governmental entities, private waste companies with local hauling contracts but no local landfill, and industries. Waste sources are not yet completely determined, as the facility will need to be much closer to being ready to operate before contracts for waste disposal can be put into effect. Consequently, the points of origin of incoming waste have not yet been determined. It is anticipated that PERC will receive solid waste

generated in the City of Laredo, as that city's existing landfill is reported to have less than 10 years of remaining capacity and is not likely to be expanded. The City of Laredo landfill received 378,000 tons of solid waste in FY 2008, and waste receipts should increase over the near future as the Laredo population continues to grow. For planning purposes, it is assumed that PERC will receive approximately half of Laredo's solid waste when its landfill closes in the future, and that the amount of future waste will be about 235,000 tpy, or about 750 tpd (six days per week basis). This waste will be brought to the site by trucks. PERC intends to offer the City of Laredo the opportunity to deliver its solid waste to a proposed transfer station that PERC would construct and operate in or near the city, to facilitate transportation of the City's waste to the facility. Additionally, municipal solid waste, construction and demolition (C&D) waste, and water and wastewater treatment sludge are expected to be between 1,250 and 4,000 tpd, and various industrial wastes are estimated to average about 750 tpd, all transported by rail. Industrial waste from the maquiladora industries in Mexico will also be rail-hauled to the site. KCS owns and operates the rail line on the International Bridge between Laredo and Nuevo Laredo, Tamaulipas.

Waste from Laredo will be trucked to the site via Hwy 359. It is anticipated that a waste transfer station will be established in the city, so that the city waste collection trucks will not need to drive to and from the facility. Instead, waste will be hauled by semi-tractor trailer units dedicated to the transfer station operation. About 30 to 35 transfer truck trips per day are anticipated to carry the 750 tpd to the site.

Rail-hauled waste will be transported by several methods. The most common transportation method for the municipal solid waste will involve loading the waste into intermodal shipping containers at the waste generators' transfer stations. Once they are filled, either the containers will be directly loaded onto flat-bed rail cars if the transfer station has rail access, or they will be transported on flatbed trucks to an intermodal rail yard for loading onto rail cars. This method of shipment is commonly used for shipping a wide variety of commodities across the country and internationally, and is also used in most waste-by-rail operations. Some bulk-type industrial wastes, coal combustion waste, most municipal and industrial sludges, and many C&D waste streams may be hauled by gondola cars, provided the particular waste is not subject to odors, wind-blown release of waste, or has similar restrictions. Some generators may establish waste transfer stations that employ balers. Baled waste is readily transportable, as a baler produces a cube of highly compressed waste wrapped in wires. Baled waste is quite stable, and can be moved and stacked inside intermodal containers by conventional fork-lifts, in the same manner as many commodities. Some waste baling operations include wrapping the bale in polyethylene film. This seals in odors and any liquids that might be present, and keeps



out rainwater and insects, making shipping the waste to the landfill very secure and unobjectionable.

Initially, PERC may receive waste in intermodal shipping containers at the new KCS container facility east of Laredo. If this option is employed, the intermodal containers with waste will be off-loaded from rail cars to flatbed tractor trailers that will be driven to the landfill. As the volume of waste received increases over time, PERC will construct a rail siding along the KCS main line on Yugo Ranch. The facility will employ a container moving equipment to off-load the intermodal containers from rail cars to flat bed tractor-trailer units which will haul the containers to the working face area of the landfill. A long boom crane with a container lifting mechanism will remove each container from the truck and place it near the working face, where a worker will unseal and open the doors. The crane operator will then tip the container to dump the waste into the working face, where the waste will be compacted into the landfill. The crane operator will remove the container for cleaning, then replace the empty container on the truck bed so it can be returned to the rail car and eventually returned to a waste generator for re-use. As waste volume increases, a rail spur may be constructed into the landfill area to eliminate the step of off-loading containers onto flat-bed trailers. Also, if the disposal market offers sufficient opportunity for accepting waste in gondola cars, a rail car tipper will be added to the rail siding or spur. Car tippers are commonly used to unload coal at power plants, and are also used for waste transfer at waste-by-rail landfill sites, such as at the ECDC landfill near East Carbon, Utah.

The landfill will include a conventional RCRA Subtitle D design with a composite liner and leachate collection system. Provisions will be made for leachate recirculation, to create a bioreactor that will speed the decomposition of organics in the waste and encourage the production of landfill gas. The landfill gas will be collected and treated to the degree necessary for sale of the gas into one of the natural gas collection systems that exist in the general area of the site. Gas treatment is anticipated to include drying to remove excessive water vapor and treatment to remove carbon dioxide to increase its BTU content.

Ancillary facilities proposed for PERC may include a processing facility for recyclable materials, often called a clean materials recovery facility or “clean MRF”, and a processing facility for electronic waste. Both facilities will function to separate and recover all re-usable or recyclable components that have economic value from their respective source streams. The source stream for the clean MRF will be materials collected in curbside recycling programs and citizen drop-off centers offered in most cities. The MRF will use a combination of manual picking and mechanical sorting to produce as many recyclable commodities as possible. The recovered commodities will be

baled or containerized and shipped to markets for these commodities. The site's rail access will provide economical transport of the incoming recyclables and shipment of the recovered commodities to their markets. The electronic waste processing will follow essentially the same process. Unrecoverable materials, or materials that have no use or value as recycled commodities will be landfilled. In addition, it is anticipated that scrap tires will be accepted and processed for refuse derived fuel (RDF) or pyrolysis, and grease and grit wastes from the Laredo area will be processed to reduce the water content and then either landfilled, with the expectation that recovered grease may be used for energy recovery or methane gas production, depending on volumes and the availability of suitable equipment or technology.

PERC will seek a permit from the Railroad Commission of Texas (RRC) to construct and operate a Class 2 underground injection well at the site. This type of injection well is limited to the injection of liquids originating in oil and gas exploration and production, which basically is limited to condensate, produced water and brine. Plans for this facility are still being formed, but the injection facility is expected to include one or more above-grade storage tanks, a pre-injection filter system to remove solid matter, an injection pump, and the well itself. The application for this injection well permit, and further details of the plans and specifications for the system, are being prepared as a separate regulatory process through the RRC. Discussion of this aspect of PERC is included here in the interests of providing a complete picture of the total anticipated development of the site. The Class 2 well, or a separate Class 5 well may also be used for the disposal by underground injection of shallow groundwater produced during the construction and initial operation of the landfill.

#### **1.4.2 Volumes, Rates and Characteristics of Wastes**

Types of wastes that will be accepted for landfill disposal, along with their volume or rate include:

Municipal solid waste by rail – estimated to be between 1,250 and 4,000 tpd,

Municipal solid waste by truck – estimated to be 750 tpd,

Non-hazardous industrial waste – estimated to be 750 tpd,

Construction and demolition waste – included with municipal solid waste,

Coal combustion ash and pollution control sludges – included with industrial waste,

Filter cake and process sludge from industrial and municipal water and wastewater treatment plants – included with municipal solid waste,

Non-hazardous industrial waste from maquiladora industries in Mexico – included with industrial waste, and

Event-type waste from disaster clean-ups – varies from none to occasionally up to 2,000 tpd.

The types of materials that will be received for processing, along with their volume or rate, may include:

Unsorted or mixed recyclables for processing and recovery of commodities – up to 500 tpd,

Scrap tires for processing and beneficial reuse – up to 100 tpd,

Electronic waste for processing and beneficial reuse – up to 100 tpd, and

Grease trap and grit trap wastes for processing and beneficial reuse – up to 100,000 gallons per day.

The characteristics of these wastes and materials are provided in the definitions found at 30 TAC §330.3 (1) through (181). No regulated hazardous wastes will be accepted. Special wastes as defined by 30 TAC §330.3 (148) and Class 2 and Class 3 industrial wastes will be accepted, except for any such wastes that cannot be effectively processed, handled or disposed at this facility. Class 1 non-hazardous wastes will also be accepted, to the extent allowed by then-current TCEQ rules that may limit certain wastes and provide where such wastes may be placed in the landfill.

Materials that will be received for deep well injection include liquids from oil and gas exploration and production under the regulatory jurisdiction of the RRC.

Waste for landfill disposal at PERC is anticipated to be between 1,000,000 and 2,000,000 tons per year (tpy) in the first few years after the landfill is permitted and constructed. This is between about 2,750 and 5,500 tons per day (tpd), based on receiving waste seven days per week. The facility expects to receive a higher rate of waste, and will have ample capacity to accept larger quantities. The landfill has a total disposal capacity currently estimated to be about 300-350,000,000 tons, and have a capacity to receive and dispose of as much as 10,000 tpd.

The above volumes and rates are estimates, and it should be understood that it is difficult to accurately estimate what the future volumes and rates of waste receipts may be.

Almost all incoming waste will be received based on multi-year contracts with various waste generators, which will be a combination of local governmental entities, private waste companies with local hauling contracts but no local landfill, and industries.

### **1.4.3 Other Information**

This permit application has been prepared to demonstrate compliance with the requirements established in 30 TAC 330.57 through 330.65, and related or referenced rules, that are in effect as of the date of this application. The application is formatted to be in general conformance with these rules.

## **2.0 FACILITY LOCATION [330.59(b)]**

The location of the facility with respect to known or identifiable landmarks can be determined by Figures 1 and 2 in Part I. These figures also show the access routes to the facility from United States and state highways. The location of the site is at North 27.56605 degrees latitude and West 99.15989 degrees longitude.



### 3.0 MAPS [330.59 (c)]

The maps presented as figures in Parts I and II show the elements required by §305.45, as discussed in Section 1.2 above. The General and Detailed Location Maps, the Land Ownership Map, and the Metes and Bounds drawing are presented in Figures 1, 2, 3, and 4 of Part I, respectively. The landowners' list corresponding to Figure 3 is presented below.

Following is a list of all owners of record of real property located within ¼ mile of the proposed facility site boundary, along with a numeric key that identifies the property they own. This key is the same as shown on the Land Ownership Map, Figure 3. This list of landowners and those shown on the Land Ownership Map were obtained from the Webb County Appraisal District deed records, and are the most current available records as of the date of this registration application. Parcel 1 is the proposed PERC site. This parcel is owned by the Applicant, Rancho Viejo Waste Management, LLC.

Parcel 1 - Rancho Viejo Waste Management, LLC

1116 Calle del Norte

Laredo, TX 78041

Parcel 2 - Rancho Viejo Cattle Company, LTD

1116 Calle del Norte

Laredo, TX 78014

Parcel 3 - Volz Arthur C. Jr.  
4072 Sucia Dr.  
Ferndale, WA 98248-9506

Volz James Richard  
310 Westmont Dr.  
Laredo TX 78041-2745

Zuck Sally Ann Volz  
1609 Matamoros St.  
Laredo, TX 78040-7714

Martin Margaret Lucille

215 W. Bandera Rd. Ste 114-619  
Boerne, TX 78006-2820

Dammier Martin Catherine  
2901 Teckla Blvd.  
Amarillo, TX 79106-6137

Martin Robert Henry  
3005 Wincrest Cir.  
Laredo, TX 78045-8149

Martin Thomas Frederick  
P.O. Box 430184  
Laredo, TX 78043-184

Dammier Jordan Trust  
2901 Teckla Blvd.  
Amarillo, TX 79106-613

Martin John M. III  
414 Plymouth Ln.  
Laredo, TX 78041-2735

Martin Kristell L. Trust  
3005 Wincrest Cir.  
Laredo, TX 78045-8149

Martin Catherine Marie Trust  
1301 Kimberly Dr.  
Laredo, TX 78045-7558

Martin Michael Trust  
414 Plymouth Ln.  
Laredo, TX 78041-2735

Martin John M IV Trust  
414 Plymouth Ln.  
Laredo, TX 78041-2735

Martin Matthew Trust  
P.O. Box 430184  
Laredo, TX 78043-184

Martin Melissa Marie Trust  
P.O. Box 430184  
Laredo, TX 78043-184

Martin Thomas F. Jr.  
P.O. Box 430184  
Laredo, TX 78043-184

Following are owners of the mineral interest beneath the facility:

Amcon Resources  
P.O. Box 3025  
Oklahoma City, OK 73101-3025

Benavides Family Mineral Trust  
Arturo Benavides  
P.O. Box 217  
Laredo, TX 78042-0217

Hausser, Robert  
405 Terrell Rd.  
San Antonio, TX 78209-5919

Horvet, Elizabeth Ann Sentz  
125 Bridgeway Cir.  
Longwood, FL 32779-4902

Hurd Enterprises Ltd.  
% L B Walker & Associates  
13111 NW Frwy. Ste. 125  
Houston, TX 77040

Killiam Oil Company, Ltd.  
Royalty Accounts  
% L B Walker & Associates  
13111 NW Frwy. Ste. 125  
Houston, TX 77040

Mitchell Minerals, LLC  
P.O. Box 448  
Henryetta, OK 74437

Sentz, Charles Christopher  
P.O. Box 160548  
Altamonte Springs, FL 32716

Sentz, James N.L. Trust  
FBO S L Sentz, Robert W. Sentz, Trustee  
5501 Wayne Ave. Apt. 201  
Philidelphia, PA 19144-3326

Sentz, John Thomas  
234 Rainbow Dr. Ste. 13420  
Livingston, TX 77399-2034

Sentz, Robert Winston  
5501 Wayne Ave. Apt. 201  
Philidelphia, PA 19144-3326

Sentz, Suzanne Louise  
22156 NW 9<sup>th</sup> Pl.  
Gainesville, FL 32605-5201

Warren, Andrea R. Trust  
J.P. Bradley & David Purdy Co-Trustee  
2490 Black Rock Tpke. #307  
Fairfield, CT 06825-2400

Warren, Wendy U. Trust  
James P Bradley, Trustee  
% David E. Purdy CPA  
2490 Black Rock Tpke. #307  
Fairfield, CT 06825-2400

ConocoPhillips Company  
Property Tax Division – Mineral  
% Rpa-Ptrrc Dept.  
P.O. Box 2197, 2 WL 8024F  
Houston, TX 77252

Following are the easement holders of record for the facility according to Webb County Apprasal District (WCAD):

United Texas Transmission Co.  
NO ADDRESS AVAILABLE AT WCAD

Conoco, Inc.  
NO ADDRESS AVAILABLE AT WCAD

Conoco-Phillips Co.  
NO ADDRESS AVAILABLE AT WCAD

However, United Texas Transmission Co. has been acquired by Kinder Morgan Energy Partners, L.P. and Conoco, Inc. merged with Phillip Petroleum to form Conoco-Phillips Inc. These two remaining easement holders may be contacted as follows:

Conoco-Phillips Inc.  
4298 Mangana Hein Rd,  
Laredo, TX 78043

Kinder Morgan Pipeline Co.  
1902 Bob Bullock Loop  
Laredo, TX 78043



## **4.0 PROPERTY OWNER INFORMATION [330.59 (d)]**

### **4.1 Legal Description**

The legal description of the PERC site is a tract of land containing 1,109.48 acres, more or less, out of and being a part of a 12,193.84 acre tract as described and depicted as Tract 2 on a Survey Plat by John E. Foster, R.P.L.S. on a Stipulation Conforming Surface Ownership, Agreed Boundary Line and Roadway Access instrument, as recorded in Volume 704, Pages 827 – 852, of the Plat Records of Webb County, Texas.

The boundary metes and bounds description of the property and a drawing of the property description are shown on Figure 4 in Part I. This legal description is also provided in Attachment A of Part I.

### **4.2 Property Owner Affidavit**

The signed property owner affidavit for this application is provided on Page 9 of the Part I Application Form (Form TCEQ – 0650) contained in this permit application.

## **5.0 LEGAL AUTHORITY [330.59 (e)]**

The applicant, Rancho Viejo Waste Management, LLC., is a Texas limited liability company. It will own and operate the proposed municipal solid waste landfill and related facilities under the name of Pescadito Environmental Resource Center. A copy of the certificate of formation issued to Rancho Viejo Waste Management, LLC., by the Secretary of State is provided as Attachment B. As a manager of, Rancho Viejo Waste Management, LLC., Mr. C.Y. Benavides, III has authority to sign documents on behalf of the company. No person has over a twenty percent (20%) ownership in the proposed facility. Rancho Viejo Waste Management, LLC. is owned by Rancho Viejo Cattle Company, Ltd.

## **6.0 EVIDENCE OF COMPETENCY [330.59 (f)]**

The owner or operator of the proposed MSW facility currently does not own or operate any other solid waste facilities in Texas or elsewhere.

Either a properly licensed solid waste facility supervisor will be hired or an existing officer, partner, or employee of PERC will become licensed as a solid waste facility supervisor prior to commencing the operation of the proposed facility, in accordance with Title 30 of the Texas Administrative Code Chapter 330.59(f) [30 TAC 330.59(f)].

A schedule of construction and operating equipment that is sufficient to properly conduct the operations proposed in this permit application will be developed during detailed design of the facility and preparation of Parts III and IV of this application. The owner or operator has the financial means to purchase or lease all of the equipment necessary to construct and operate all of the waste management units covered by this permit application, to be listed on the schedule to be prepared. Prior to the commencement of operations, the owner or operator will acquire all such equipment and have it on site. Likewise, the owner or operator will hire a trained and experienced staff of supervisors, equipment operators, technicians, laborers and other categories of employees as needed to construct and operate the facility in accordance with this permit application and the applicable TCEQ rules.

**7.0 APPOINTMENTS [330.59 (g)]**

The following documentation demonstrates that the permit application for the Pescadito Environmental Resource Center by has been signed by a person having authority to do so as required by 30 TAC §305.44.

I, C.Y. Benavides, III, certify under penalty of law that I am a manager of the Applicant Rancho Viejo Waste Management, LLC, and that I am a responsible corporate officer of the Applicant, and as such that I have the authority to sign this permit application on behalf of Rancho Viejo Waste Management, LLC.

C.Y. Benavides, III  
Name

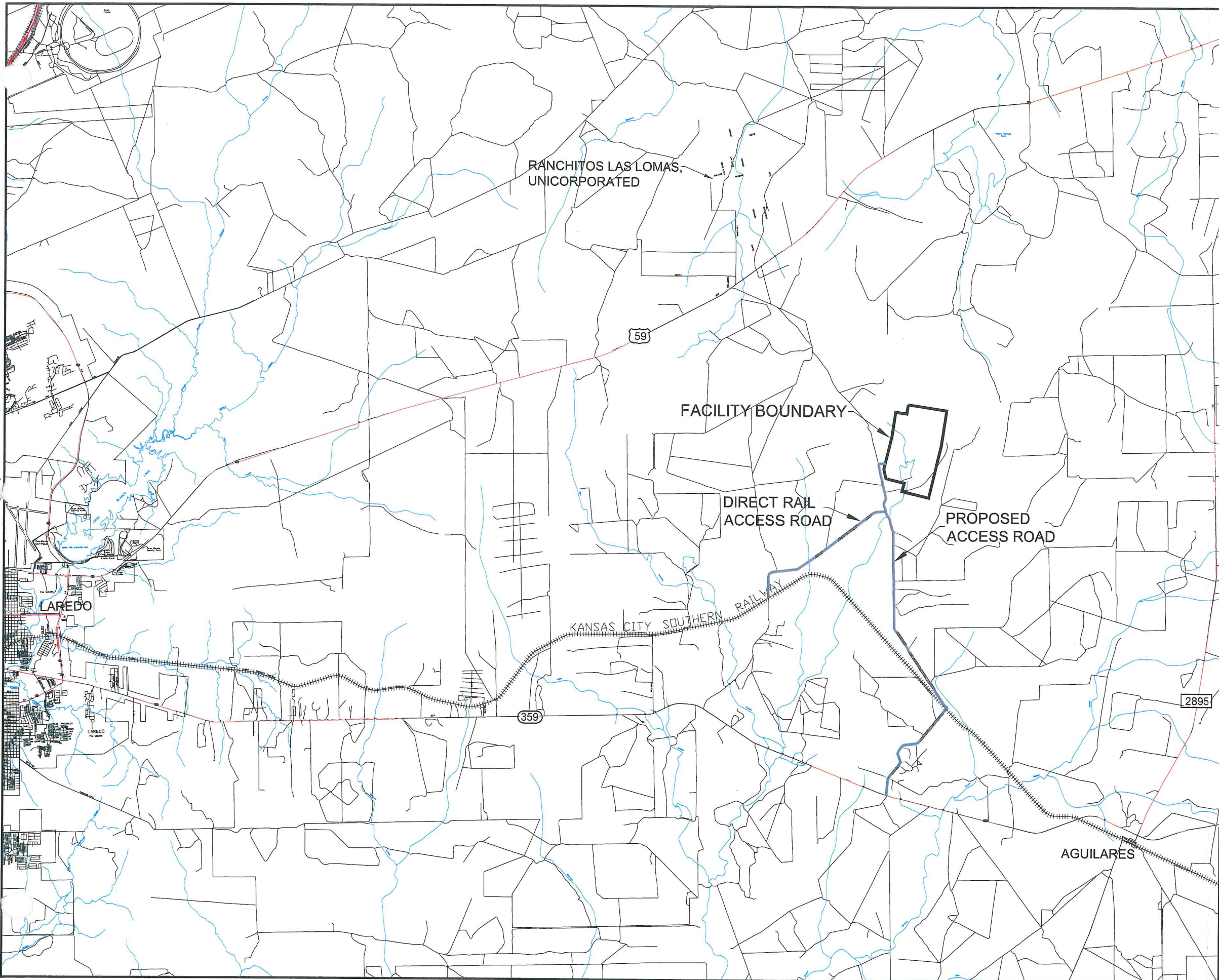
April 1, 2011  
Date

## **8.0 APPLICATION FEE [330.59 (h)]**

The application fee for this registration application was submitted separately to the TCEQ Office of Finance and Administration. A copy of the payment documentation is provided as Attachment C.



AUS S:\Rancho Viejo Cattle Co. Ltd\170401 Webb Co. Landfill Ph III\GIS\1100 Acre Figures\170401-MSW-I-1.dwg Layout1 02/22/11



**LEGEND**

	PRIMARY HIGHWAY
	SECONDARY OR RANCH ROAD
	ALL-WEATHER ACCESS ROAD
	RIVER OR STREAM
	RAILROAD TRACK
	PROPERTY BOUNDARY OF THE FACILITY

*James F. Reynolds*



03/28/2011

- NOTES:**
1. SOURCE: TXDOT URBAN FILES FOR WEBB COUNTY (2003).
  2. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.



SCALE IN MILES  
1/2" = 1 mile

**GENERAL LOCATION MAP**

PESCADITO ENVIRONMENTAL RESOURCE CENTER  
MSW PERMIT NO. XXXX  
WEBB COUNTY, TEXAS

PROJECT NO.	170401	DWG FILE	170401-MSW-I-1
DRAWN BY.	CL	DATE	02/14/11

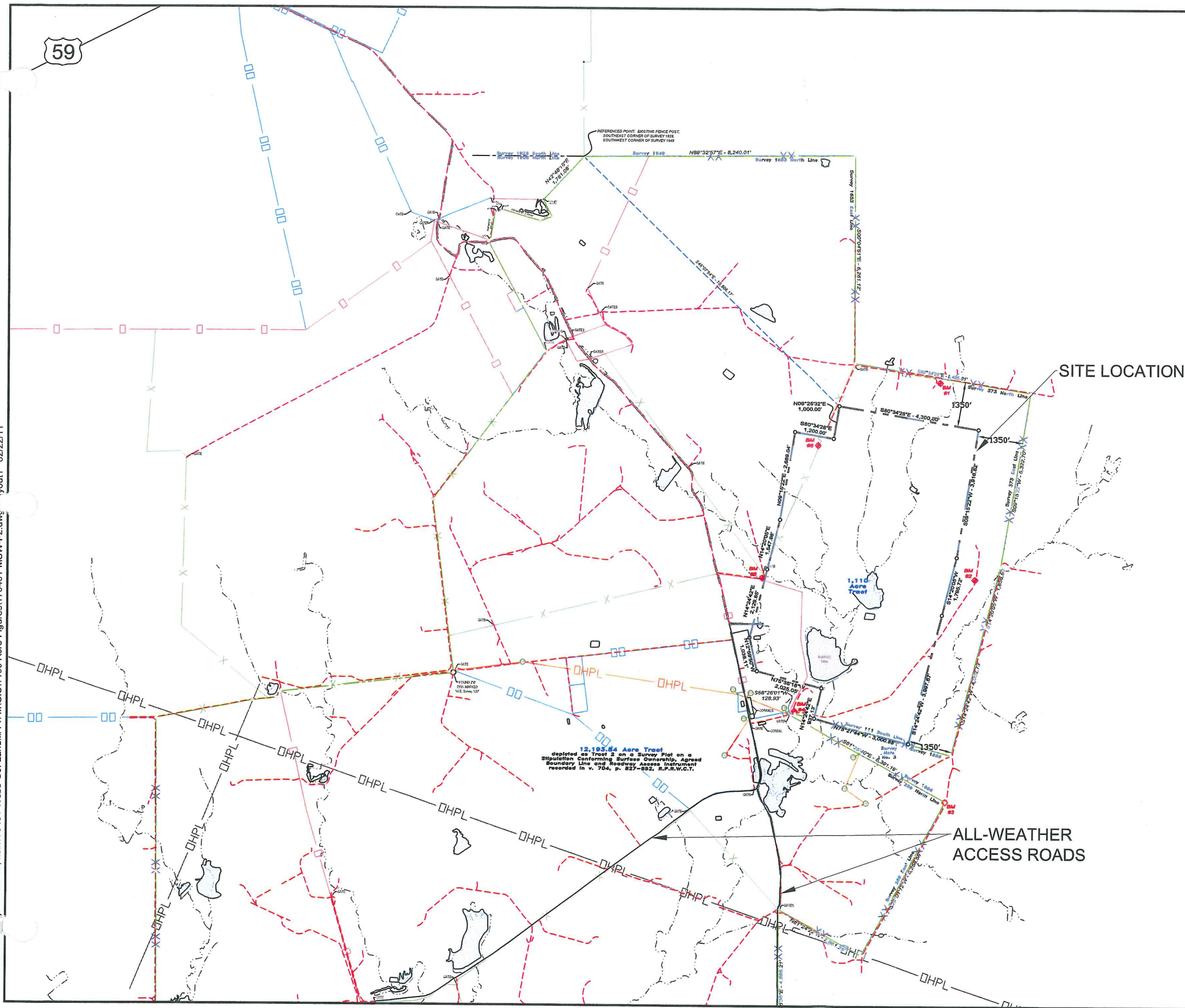


505 EAST HUNTLAND DRIVE  
SUITE 250  
AUSTIN, TEXAS 78752  
(512) 329-6080

FIGURE  
1  
PART I  
PAGE XX



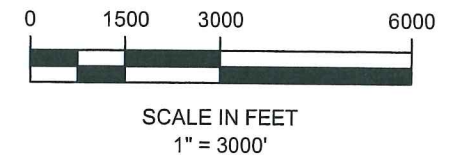
AUS S:\Rancho Viejo Cattle Co. Ltd\170401 Webb Co. Landfill Ph III\GIS\1100 Acre Figures\170401-MSW-I-2.dwg - layout1 02/22/11



	FACILITY BOUNDARY LINE
	PROPERTY BOUNDARY (FENCE LINE)
	FACILITY ACCESS ROAD EASEMENT
	ALL-WEATHER ACCESS ROAD
	DIRT ROAD
	OVERHEAD ELECTRICAL POWER LINE
	8' HOG FENCE LINE
	4' HOG FENCE LINE
	4' BARB WIRE FENCE LINE
	DUAL FENCE LINE
	POND
	FOUND FENCE CORNER
	SET 1/2" IRON ROD
	BENCHMARK
	POWER POLE

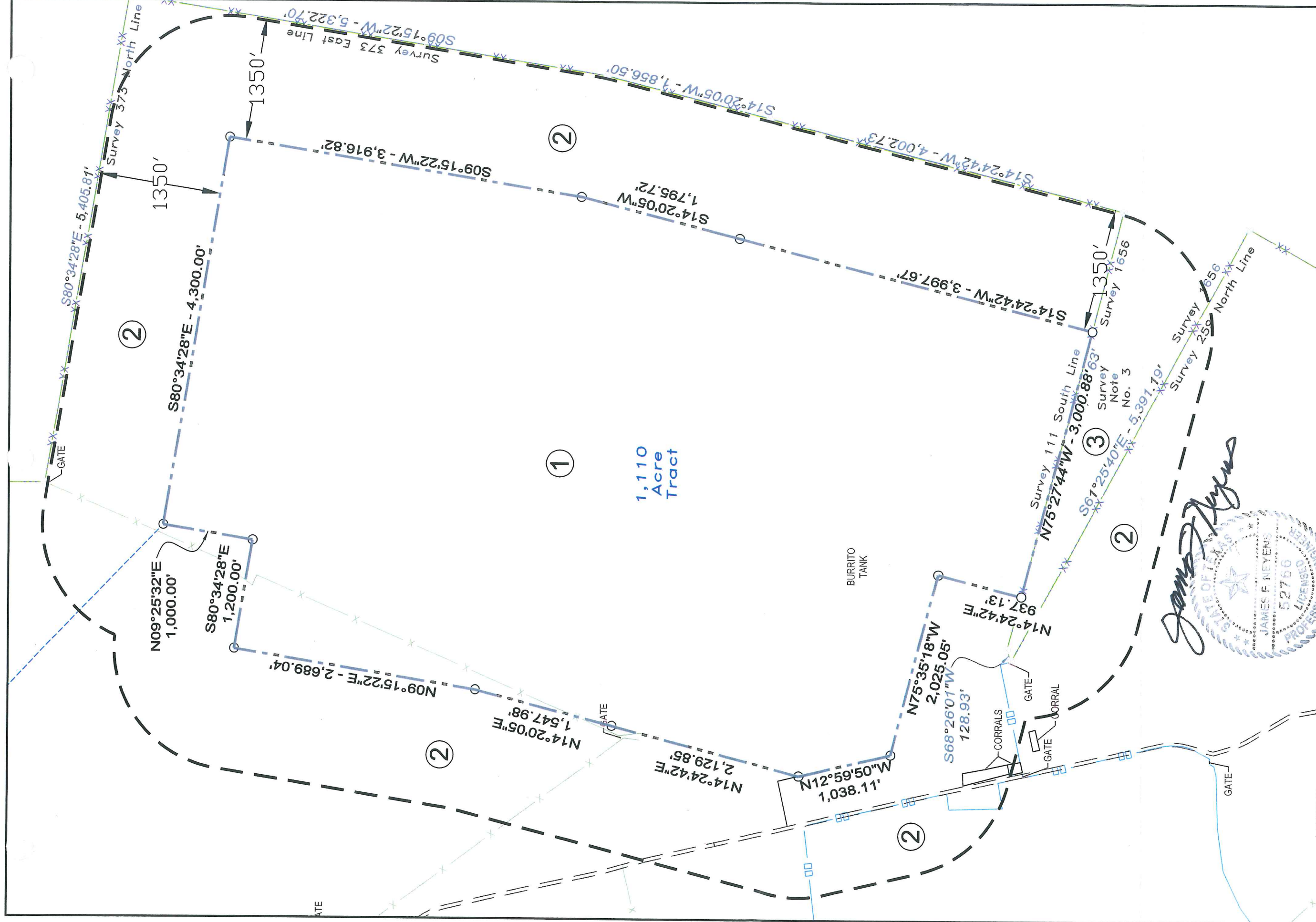
**NOTES:**  
 1. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEJIA ENGINEERING COMPANY (4/9/2010).  
 2. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.

*James F. Neyens*  
 STATE OF TEXAS  
 JAMES F. NEYENS  
 52766  
 LICENSED  
 PROFESSIONAL ENGINEER  
 03/28/2011



DETAILED LOCATION MAP			
PESCADITO ENVIRONMENTAL RESOURCE CENTER MSW PERMIT NO. XXXX WEBB COUNTY, TEXAS			
PROJECT NO.	170401	DWG FILE	170401-MSW-I-2
DRAWN BY.	CL	DATE	02/14/11
	505 EAST HUNTLAND DRIVE SUITE 250 AUSTIN, TEXAS 78752 (512) 329-6080		FIGURE 2
			PART I
			PAGE XX





1,110  
Acre  
Tract

BURRITO  
TANK

*James F. Neyens*



SCALE IN FEET  
1" = 1000'

- LEGEND**
- FACILITY BOUNDARY LINE
  - - - 1/4 MILE RADIUS
  - - - FENCE
  - - - PROPERTY LINE AND FENCE
  - - - 8' HOG FENCE
  - ⊠ KEY TO LAND OWNERS LIST

**NOTES:**

1. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEJIA ENGINEERING COMPANY (4/9/2010).
2. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.

**LAND OWNERSHIP MAP**

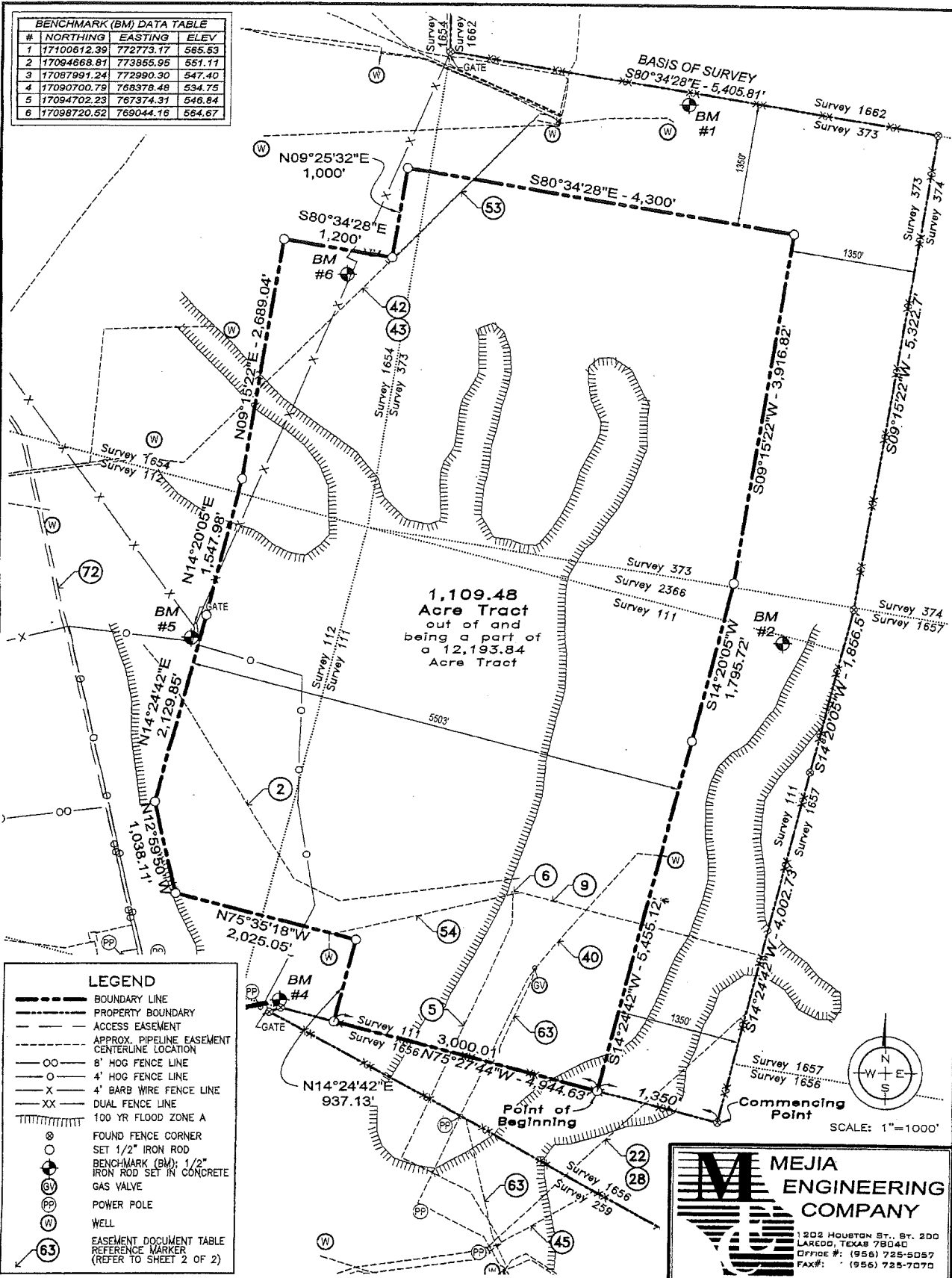
PESCADITO ENVIRONMENTAL RESOURCE CENTER  
MSW PERMIT NO. XXXX  
WEBB COUNTY, TEXAS

PROJECT NO.	170401	DWG FILE	170401-MSW-1-3
DRAWN BY.	CL	DATE	02/14/11

505 EAST HUNTLAND DRIVE  
SUITE 250  
AUSTIN, TEXAS 78752  
(512) 329-6080



BENCHMARK (BM) DATA TABLE			
#	NORTHING	EASTING	ELEV
1	17100612.39	772773.17	565.53
2	17094668.81	773855.96	551.11
3	17087991.24	772990.30	547.40
4	17090700.75	768378.48	534.75
5	17094702.23	767374.31	546.84
6	17098720.52	769044.16	564.67



**LEGEND**

- BOUNDARY LINE
- - - PROPERTY BOUNDARY
- - - ACCESS EASEMENT
- - - APPROX. PIPELINE EASEMENT
- - - CENTERLINE LOCATION
- OO --- 8' HOG FENCE LINE
- O --- 4' HOG FENCE LINE
- X --- 4' BARB WIRE FENCE LINE
- XX --- DUAL FENCE LINE
- ||||| 100 YR FLOOD ZONE A
- ⊙ FOUND FENCE CORNER
- SET 1/2" IRON ROD
- ⊙ BENCHMARK (BM): 1/2" IRON ROD SET IN CONCRETE
- ⊙ GAS VALVE
- ⊙ POWER POLE
- ⊙ WELL
- ⊙ EASEMENT DOCUMENT TABLE REFERENCE MARKER (REFER TO SHEET 2 OF 2)

**M MEJIA ENGINEERING COMPANY**

1202 HOUSTON ST., ST. 200  
LAREDO, TEXAS 78040  
Office #: (956) 725-5057  
FAX#: (956) 725-7070

**CERTIFICATE OF SURVEYOR**

STATE OF TEXAS  
COUNTY OF WEBB

I, GILBERT L. CADE III, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS PREPARED FROM MAPS, DEEDS AND OTHER DOCUMENTS OF RECORD MADE AVAILABLE AND IS CORRECT TO MY KNOWLEDGE AND WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION.

*G. L. Cade III*

GILBERT L. CADE III, R.P.L.S. No. 5060

3/30/2011  
DATE



**BOUNDARY SURVEY**  
of a tract of land containing 1,109.48 acres, more or less, within Surveys 373, 111, 112, and 1654 and being out of and a part of a 12,193.84 acre tract as described and depicted as Tract 2 on a Survey Plat by John E. Foster, R.P.L.S. on a Stipulation Conforming Surface Ownership, Agreed Boundary Line and Roadway Access Instrument recorded in v. 704, p. 827-852, R.P.R.W.C.T. Webb County, Texas

F:\SURVEY\Benevides Ranch\dwg\Bene-Survey3.dwg - 3/25/2011	
DRAWN BY: E.S.	SHEET
CHECKED BY: A.A.	1 OF 2
APPROVED BY: G.C.	

**Legal Description**  
**1,109.48 Acre Tract**

A tract of land containing 1,109.48 acres, more or less, situated within Surveys 373, 111, 112, and 1654 and being out of and a part of a 12,193.84 acre tract as described and depicted as Tract 2 on a Survey Plat by John E. Foster, R.P.L.S. on a Stipulation Conforming Surface Ownership, Agreed Boundary Line and Roadway Access instrument recorded in Volume 704, Page 827-852, R.P.R.W.C.T., Webb County, Texas. Said 1,109.48 acre tract being more particularly described as follows:

Commencing at an existing fence post being an exterior corner on the east boundary line of said 12,193.84 acre tract, fence corner being the southeast corner of Survey 111 and an interior corner of Survey 1656; Thence, N 75°27'44" W, along the boundary line of said 12,193.84 acre tract and the common line of Survey 111 and Survey 1656, a distance of 1,350 feet to a set 1/2 inch iron rod being the southeast corner and POINT OF BEGINNING of this 1,109.48 acre tract;

Thence, N 75°27'44" W, continuing along the boundary line of said 12,193.84 acre tract and the common line of Survey 111 and Survey 1656, a distance of 3,000.01 feet to a set 1/2 inch iron rod being and exterior corner hereof;

Thence, the following courses:

N 14°24'42" E, a distance of 937.13 feet to a set 1/2 inch iron rod for an interior corner of this tract;

N 75°35'18" W, a distance of 2,025.05 feet to a set 1/2 inch iron rod for the southwest corner of this tract;

N 12°59'50" W, a distance of 1,038.11 feet to a set 1/2 inch iron rod for a point of deflection to the right;

N 14°24'42" E, a distance of 2,129.85 feet to a set 1/2 inch iron rod for a point of deflection to the left;

N 14°20'05" E, a distance of 1,547.98 feet to a set 1/2 inch iron rod for a point of deflection to the left;

N 09°15'22" E, a distance of 2,684.04 feet to a set 1/2 inch iron rod for an exterior corner of this tract;

S 80°34'28" E, a distance of 1,200 feet to a set 1/2 inch iron rod for an interior corner of this tract;

N 09°25'32" E, a distance of 1,000 feet to a set 1/2 inch iron rod for the northwest corner hereof;

S 80°34'28" E, parallel approximately 1,350 feet from northeast line of said 12,193.84 tract and the common line of Survey 373 and Survey 1662, a distance of 4,300 feet to a set 1/2 inch iron rod for the northeast corner of this tract;

S 09°15'22" W, parallel approximately 1,350 feet from the east line of said 12,193.84 acre tract and the common line of Survey 373 and Survey 374, a distance of 3,916.82 feet to a set 1/2 inch iron rod for a point of deflection to the right;

S 14°20'05" W, parallel approximately 1,350 feet from the east line of said 12,193.84 acre tract and the common line of Survey 2366, Survey 111, and Survey 1657, a distance of 1,795.72 feet to a set 1/2 inch iron rod for a point of deflection to the right;

Thence, S 14°24'42" W, parallel approximately 1,350 feet from the east line of said 12,193.84 acre tract and common line of Survey 111 and Surveys 1656 and 1657, a distance of 3,998.85 feet to the POINT OF BEGINNING of this 1,109.48 acre tract of land, more or less.

Basis of Bearing: Boundary Data on State Plane NAD 83 4206 Texas South

Note: This survey was done without the benefit of a Title Company Research. There may be Easements of Record not shown on this Survey of which Surveyor is unaware of and as such assumes no liability herein.

Easement Document Table (Provided by Others)	
2	30' Right of Way Easement, Carlos Y Benavides Sr to United Texas Transmission Co, v. 695, p. 329-334, May 21, 1982
5	30' Right of Way Easement, Carlos Y Benavides Sr to United Texas Transmission Co, v. 696, p. 140-144, May 26, 1982
6	Surface Site Easements and a 12' Access Road Easement, Carlos Y Benavides Sr to United Texas Transmission Co, v. 696, p. 145-156, May 26, 1982
9	30' Easement and Right of Way Agreement, Carlos Y Benavides Sr to United Texas Transmission Co, v. 1039, p. 343-347, Nov 21, 1983
22	30' Easement and Right of Way Agreement, Carlos Y Benavides Sr to Kosh Gathering Systems Inc, v. 1220, p. 374-382, Feb 25, 1987
28	Catholic Protection Facility Easement, Carlos Y Benavides Sr to Kosh Gathering Systems Inc, v. 1438, p. 47-49, Aug 08, 1990
40	50' Right of Way Easement, Rancho Viejo Cattle Co to Conoco Inc, v. 348, p. 798-804, Sep 20, 1995
42	50' Right of Way Easement, Rancho Viejo Cattle Co to Conoco Inc, v. 357, p. 480-485, Oct 26, 1995
43	50' Right of Way Easement, Rancho Viejo Cattle Co to Conoco Inc, v. 382, p. 96-101, Mar 19, 1998
45	30' Right of Way, Carlos Y Benavides Jr to Chevron USA Inc, v. 421, p. 530-534, Jul 08, 1996
53	50' Right of Way Easement, Rancho Viejo Cattle Co to Conoco Inc, v. 465, p. 812-816, Mar 14, 1997
54	50' Right of Way Easement, Rancho Viejo Cattle Co to Conoco Inc, v. 517, p. 32-36, Jun 03, 1997
63	50' Right of Way Easement, Rancho Viejo Cattle Co to Conoco-Phillips Co, v. 2343, p. 271-277, Apr 24, 2007
72	40' Road Easement, v. 704, p. 848-852, O.P.R.W.C.T.; MAY OR MAY NOT BE ALL EASEMENT DOCUMENTS THAT AFFECTS THIS TRACT

**SURVEY NOTES**

1. BASIS OF BEARING:  
 BOUNDARY DATA ON STATE  
 PLANE NAD 83, NAVD 88 4205  
 TEXAS SOUTH

2. BY GRAPHICAL PLOTTING  
 ONLY, PARTS OF THIS TRACT  
 ARE LOCATED WITHIN ZONE A  
 AS DEFINED BY THE FEMA  
 FLOOD INSURANCE RATE MAP,  
 COMMUNITY PANEL 48479C  
 1275C WITH AN EFFECTIVE DATE  
 OF APRIL 2, 2008.

3. THIS SURVEY WAS DONE  
 WITHOUT THE BENEFIT OF TITLE  
 COMPANY RESEARCH. THERE  
 MAY BE EASEMENTS OF RECORD  
 NOT SHOWN ON THIS SURVEY  
 OF WHICH THE SURVEYOR IS  
 UNAWARE OF AND AS SUCH  
 ASSUMES NO LIABILITY HEREIN.

4. USGS BENCHMARK  
 REFERENCE CONTROL DATA: NO.  
 526, N 17081242.78, E  
 758021.71, ELEV. 526.28

**M MEJIA ENGINEERING COMPANY**  
 1202 HOUSTON ST., ST. 200  
 LAREDO, TEXAS 78040  
 OFFICE #: (956) 725-5857  
 FAX#: (956) 725-7070

**CERTIFICATE OF SURVEYOR**

STATE OF TEXAS  
 COUNTY OF WEBB

I, GILBERT L. CADE III, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS PREPARED FROM MAPS, DEEDS AND OTHER DOCUMENTS OF RECORD MADE AVAILABLE AND IS CORRECT TO MY KNOWLEDGE AND WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION.



*Gilbert L. Cade III*

3/30/2011  
 DATE

GILBERT L. CADE III, R.P.L.S. No. 5060

**BOUNDARY SURVEY**  
 of a tract of land containing 1,109.48 acres, more or less, within Surveys 373, 111, 112, and 1654 and being out of and a part of a 12,193.84 acre tract as described and depicted as Tract 2 on a Survey Plat by John E. Foster, R.P.L.S. on a Stipulation Conforming Surface Ownership, Agreed Boundary Line and Roadway Access instrument recorded in v. 704, p. 827-852, R.P.R.W.C.T., Webb County, Texas

F:\SURVEYS\Benavides Ranch\dwg\Bese-Survey3.dwg - 3/25/2011

DRAWN BY: E.S.	SHEET
CHECKED BY: A.A.	2 of 2
APPROVED BY: G.C.	

**Attachment A**

**Legal Description**

**Attachment B**

**Certificate of Formation**

**Attachment C**

**Payment Demonstration**

**PART II**

**APPLICATION FOR PERMIT**

**TYPE I MUNICIPAL SOLID WASTE FACILITY**

**MSW PERMIT NO. XXXX**

**PESCADITO ENVIRONMENTAL  
RESOURCE CENTER**

**SOLID WASTE MANAGEMENT AND  
DISPOSAL FACILITY**

**RANCHO VIEJO WASTE MANAGEMENT, LLC  
LAREDO, WEBB COUNTY, TEXAS**

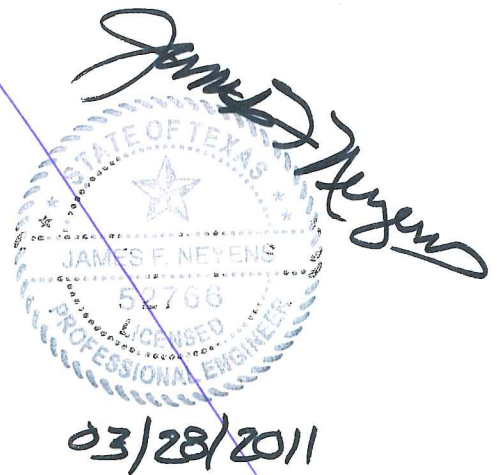
March 28, 2011

Prepared By:



505 East Huntland Drive, Suite 250  
Austin, Texas 78752  
(512) 329-6080

TRC Environmental Corporation  
TBPE Firm Registration No. 3775





## Table of Contents

		Page
<b>Part II</b>		
1.0	EXISTING CONDITIONS SUMMARY – [330.61 (a)] .....	4
2.0	WASTE ACCEPTANCE PLAN [330.61 (b)] .....	8
2.1	General .....	8
2.2	Sources and Characteristics of Waste .....	8
2.3	Quantity of Waste.....	9
3.0	GENERAL LOCATION MAPS [330.61 (c)].....	10
4.0	FACILITY LAYOUT MAPS [330.61 (d)].....	11
5.0	GENERAL TOPOGRAPHIC MAPS [330.61 (e)].....	12
6.0	AERIAL PHOTOGRAPH [330.61 (f)].....	13
7.0	LAND-USE MAP [330.61 (g)].....	14
8.0	IMPACT ON SURROUNDING AREA [330.61 (h)].....	15
8.1	Potential Impact on Human Health .....	15
8.2	Potential Impact on the Environment.....	17
8.3	Compatibility with the Surrounding Area .....	17
9.0	TRANSPORTATION [330.61 (i)].....	20
10.0	GENERAL GEOLOGY AND SOILS STATEMENT [330.61 (j)].....	21
11.0	GROUNDWATER AND SURFACE WATER [330.61 (k)].....	23
12.0	ABANDONED OIL AND WATER WELLS [330.61 (l)] .....	26
13.0	FLOODPLAINS AND WETLANDS STATEMENT [330.61 (m)].....	27
14.0	ENDANGERED OR THREATENED SPECIES [330.61 (n)].....	29
15.0	TEXAS HISTORICAL COMMISSION REVIEW [330.61 (o)].....	30
16.0	COUNCIL OF GOVERNMENTS AND LOCAL GOVERNMENT REVIEW [330.61 (p)].....	31

**Figures**

- Figure 1           General Location Map
- Figure 2           Wind Rose Map
- Figure 3           Facility Layout Map
- Figure 4           Operations Area Layout Map
- Figure 5           Future Operations Area Layout Map
- Figure 6           General Topographic Map
- Figure 7           Aerial Photograph



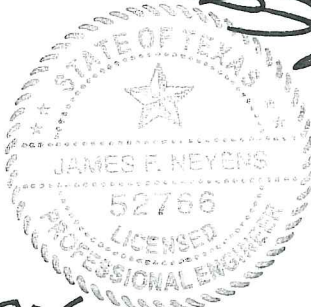
  
  
 03/28/2011

Figure 8 Land Use Map  
Figure 9 Supplemental Land Use Map  
Figure 10 Flood Insurance Rate Map

**Attachments**

Attachment A T&E Species and Wetlands Assessment  
Attachment B TxDOT Coordination  
Attachment C Texas Historical Commission Review  
Attachment D Cultural Resources Review  
Attachment E Local Agency Coordination

*James F. Meyers*  
  
*03/28/2011*

## 1.0 EXISTING CONDITIONS SUMMARY – [330.61 (a)]

This section discusses site-specific conditions that require special design considerations and mitigation of conditions that exist at the site of the proposed 1,110-acre Pescadito Environmental Resource Center (PERC), located about 20 miles east of Laredo in Webb County, Texas (see Figure 1, Part I and Figure 1, Part II).

**Soils and Geology** – A series of 26 soil borings were completed to evaluate the characteristics of soil encountered in the upper 160 feet at the site. These soils are predominantly clays, with some interbedded sand, sandstone, and claystone or shale. Based on review of published reports, these or similar soils are believed to extend to much greater depths. Laboratory testing of these soils confirms that they are well suited for the location of a solid waste landfill and to be used for the construction of the proposed landfill's liners and cover systems, and for storm water management structures such as channels, detention ponds and dikes. These soils have very low permeability characteristics, both in the natural or *in situ* condition and when constructed into compacted clay liner systems. These soils also are resistant to erosion.

The geology of the site area is also suitable for landfill development, as the soil strata are laterally very extensive with relatively thick layers of very low permeability soils that prevent vertical migration of water. Consequently, the area geology is very protective of the quality of water in the aquifers that lie below the proposed. There are no recognized geological hazards at the site, as there are no geologic faults in the immediate area, the risk of seismic activity is extremely low, and there is no incidence of instability due to subsidence, poor foundation conditions, or karst terrains.

**Groundwater** – Groundwater was encountered beneath the site within soils of the Jackson and Yegua Groups. These soils are part of the Jackson-Yegua Aquifer, which is classified as a minor aquifer by the Texas Water Development Board (TWDB). This classification is due to the relatively low yield and marginal quality of water in the aquifer. The ground water below the site was encountered in several water-bearing zones or layers that are generally characterized by gradational changes to sandy or silty soil classifications. These water-bearing zones are generally on the order of several feet thick and are found at several depth intervals across the site. These water-bearing zones may also be found layered as a transition between two highly impermeable layers of clay soil or at the top of a relatively impermeable layer of rock-like indurate material, and may also be associated with secondary porosity in the over-consolidated clay soils. These water bearing zones exhibit the characteristics of a confined aquifer. However, the hydraulic characteristics or relative thinness of these zones severely limit their ability to produce water in potentially useful quantities. The quality of this water is very poor to unacceptable for most domestic or agricultural uses. Regional aquifers exist beneath the

site, but at significant depth. The Laredo Aquifer is expected to occur at a depth of about 1,000 feet or more below the ground surface. Water in this aquifer is generally slightly saline, with total dissolved solids in the range of 1,000-2,500 milligrams per liter (mg/l), about two to five times the U.S. EPA's secondary drinking water regulation (SDWR) standard of 500 mg/l. Published reports indicate the groundwater produced by some wells contain some metals and trace elements in excess of SDWR limits. This and other deeper aquifers in south central Webb County dip towards the southeast towards the Gulf of Mexico and generally crop out in relatively narrow bands that trend northeast-southwest.

Groundwater usage in the general area of the site is very limited. Only one water well is known to exist within a one-mile radius of the facility boundary. This is the private water well that is located near the Yugo Ranch headquarters buildings and serves the general needs of the ranch. This well is located roughly 900 feet southwest of the proposed facility. According to TWDB records, there are only 5 water wells within a five-mile radius of the facility. As mentioned, the closest of these is about 900 feet (0.2 miles) southwest of the facility. The other four wells are located between 4.3 and 5 miles northwest of the facility, in the community of Ranchitos Las Lomas. One of these is a well located nearly 5 miles away that is owned and operated by Webb County. This well was intended as a public water supply well to make dispensed water available to the residents of Ranchitos Las Lomas. Water quality from this well is so poor that the majority of the water dispensed at this site is hauled by tanker trucks from the Webb County maintenance facility near U.S. Highway 59 and Loop 20 in Laredo. The source of this hauled water is the Laredo public water system. Of the total quantity of water Webb County dispenses at this location, relatively little water comes from this well, following extensive treatment.

**Site Size and Topography** – The site contains approximately 1,110 acres and is roughly rectangular in shape, as shown on Figure 3, Part II. It is nearly one mile measured east to west and less than two miles measured north to south. For the most part, the site topography is gently sloped from north to south at about 0.5 to 1 percent. Several shallow swales gather storm water runoff and convey it southward. Several stock tanks have been constructed within the site to collect and store runoff for livestock watering. The relative uniformity of the terrain will facilitate design and construction of the landfill and supporting features, particularly management of storm water.

**Rainfall, Hydrology and Storm Water Runoff** – According to the *Soil Survey of Webb County, Texas*, published by the U.S. Department of Agriculture, Soil Conservation Service (1985), rainfall at Laredo averaged 19.8 inches per year between 1931 and 1979. Monthly averages ranged from 3.2 inches in September to 0.5 inches in March. An average of 13.9 inches, or 70 percent of the annual amount, fell in the 6 month period

from May through October. Since Laredo is only about 20 miles west of the site, it is believed this rainfall data is also representative of the site.

Because the site slopes rather gently from north to south at about 0.5 to 1 percent, near-surface soils have very low permeability, and the site is uniformly covered with native vegetation consisting of brush, forbs and grass, surface water hydrology is relatively consistent. Storm water runoff historically has not eroded bed-and-bank features into the shallow swales that convey drainage from the site. In recent times, several impoundments have been created on site by shallow excavation and embankment construction across the swales to create livestock watering tanks. Patterns of storm water runoff have thus been significantly altered by the capture of rainfall by these tanks.

**Floodplains** – Because the swales that convey drainage across the site are so wide and shallow, they are quite inefficient at conveying runoff. As a result, relatively wide areas of the site are inundated by runoff from the 100-year rainfall event. The flood insurance rate map (FIRM) for the site, as prepared by the Federal Emergency Planning Agency (FEMA), indicates a significant portion of the site to be within Zone A, the 100-year floodplain. This floodplain is depicted in Figure 10, Part II. However, it is important to realize that the surface topography used to create the FIRM does not appear to include the existing dikes and surface impoundments at the site and in the watershed upslope from the site. TRC is engaged in engineering studies of the actual surface topography as it currently exists. TRC is also performing an engineering analysis of drainage at the site and all watersheds above and immediately below the site. TRC will design a series of drainage channels and detention structures that will result in the removal of the proposed landfill area from the 100-year floodplain. Furthermore, TRC will submit to FEMA a Conditional Letter of Map Revision (CLOMR), requesting correction of the existing FIRM to take into account the related drainage and floodplain improvements. We expect this action will result in documentation that construction of the proposed watershed improvements at and adjacent to the site will remove the landfill from the 100-year floodplain.

**Threatened and Endangered Species** – TRC has performed an assessment of threatened and endangered (T&E) species at the site, and is conducting a more detailed study that will result in a T&E species management plan to be implemented at the site. This plan will assure compliance with federal and state requirements for the protection of T&E species and their habitats. The TRC T&E species assessment report is presented

**Land Use** – Land use at and within one mile of the facility is exclusively devoted to cattle ranching and oil and gas exploration and production. This same land use extends generally for many miles in every direction. The only exceptions are an area of residential land use about four miles to the northwest and two transportation corridors.

The residential land use is in the community of Ranchitos Las Lomas, which is located along Highway 59 and had a population of 334 in the 2000 census. The transportation corridors include U.S. Highway 59, which passes through Ranchitos Las Lomas four miles to the northwest, and the Kansas City Southern Railroad about two miles to the south of the facility, which will provide rail service to the site.

**Oil and Gas Production** – While some oil but mostly gas production has been prevalent in the area, very little has actually occurred on the proposed site of the facility. Several wells were attempted on or adjacent to the site, but have been sealed and abandoned. The width of the landfill was selected to allow possible future development of gas reserves beneath the landfill by using directional drilling methods. Existing practices employed by energy companies in this area of Webb County were reviewed to identify the appropriate well spacing and horizontal departure allowances.

Recovery of landfill-generated gas is planned for the facility. The existing infrastructure of gathering pipelines, valves, and separators is expected to be useful to or at least compatible with the landfill gas recovery. The landfill gas will be processed on-site, to the degree necessary to make this gas marketable. Processing may include drying and/or removal of carbon dioxide or trace gases. The landfill gas will then be metered and pumped into the existing natural gas delivery system.

The oil and gas production at and around the site has resulted in a number of wells and pipelines being installed. Every production well has a certain useful or productive life, which ends when the oil or gas reserves it tapped is no longer recoverable. Some wells and pipelines in the site area are no longer active and have been abandoned in place, while others continue in service. Many of these pipelines exist within easements. The easement agreements allow the landowner (the Applicant for this permit) to reroute the pipelines as may become necessary in the future, as long as the replacement pipelines meet industry standards. Also, ownership of the easement and pipelines typically reverts to the landowner if the pipeline operator abandons the line. Similarly, ownership of abandoned wells reverts to the landowner. For these reasons, the proposed landfill is fully compatible with the existing oil and gas production. As the landfill grows in size over several decades in the future, the existing active oil and gas wells will transition into abandonment. New wells can be drilled if desired, because they can be located where they can access hydrocarbons beneath the landfill with directional drilling, and not interfere with the construction and operation of the landfill.

## **2.0 WASTE ACCEPTANCE PLAN [330.61 (b)]**

### **2.1 General**

**Type of Facility and Wastes to be Accepted** – The facility will be a Type I municipal solid waste landfill, with several additional waste management units. As a Type I landfill, the facility will be designed for and will accept certain types of non-hazardous industrial wastes that are compatible with landfill disposal, and may accept liquid industrial wastes in the future. Waste management units for liquid industrial wastes may include solidification (prior to landfill disposal) or underground injection by means of a Class 1 injection well. Grease trap and grit trap wastes will be accepted for processing. Processing of recyclables, such as those collected by residential curbside collection programs, may be provided. This process will seek to recover all recyclable commodities that have a market or reuse value, coupled with landfill disposal of non-recyclable residuals.

**Prohibition of Hazardous Waste** – Regulated hazardous waste will not be accepted at the facility.

**Management of Industrial and Special Wastes** – The facility will accept certain Class 1 non-hazardous, Class 2 and Class 3 industrial wastes, as well as many special wastes that are regulated as municipal solid waste (MSW). Only those Class 1 non-hazardous wastes that are allowed to be disposed into Type I MSW landfills in restricted locations will be accepted, with the understanding that the facility may in the future provide on-site stabilization or solidification of certain types of industrial sludge to render these wastes suitable for landfill disposal. Before accepting wastes that require stabilization, the facility will obtain a permit modification or amendment to add an on-site solidification facility. Special wastes will be accepted only to the extent that any given category or type of special waste can be properly managed by the facility and/or readily disposed into the landfill.

### **2.2 Sources and Characteristics of Waste**

The proposed facility will be a comprehensive waste treatment and disposal facility that serves municipal and industrial customers by means of truck and rail transportation. Municipal solid wastes transported by truck are expected to originate in Webb and nearby counties. The use of tractor-trailers loaded at transfer stations could extend the service area to more distant areas of South Texas such as Corpus Christi and San Antonio. Grease trap and grit trap wastes processed at this facility are expected to be generated in the same service area. Industrial wastes are expected to be generated from this service area plus the industries in the Houston-Beaumont region. Wastes transported by rail can be economically shipped from greater distances, because the transportation cost per ton-



mile is much less by rail than by truck. In regions of the country where the cost of landfill disposal is relatively high and landfills are some distance away and served by trucks, the cost of solid waste disposal by rail-hauling to this facility could be less. Thus, the service area for rail-hauled waste may essentially be unlimited.

A main line of the Kansas City Southern Railroad (KCS) passes within about two miles of the landfill facility and is accessible by all-weather roads on private property. Rail service to the site can be accomplished without having to transport waste over public roads. However, in the initial period of operation, waste may be transported in sealed, steel containers through the KCS intermodal shipping yard in Laredo.

KCS is an international railroad company with extensive track mileage and service in Mexico. The facility intends to provide waste disposal services to industrial generators in Mexico. Both the *maquiladora* industries along the U.S. border and other industries in Mexico will be served by the facility.

### 2.3 Quantity of Waste

**Estimated Maximum Annual Waste Acceptance Rate** - The facility estimates that it will receive the following maximum annual quantities of waste for landfill disposal during the first five years of its operation:

Year 1 – 1,000,000 tons

Year 2 – 1,200,000 tons

Year 3 – 1,400,000 tons

Year 4 – 1,600,000 tons

Year 5 – 1,800,000 tons

It must be noted that these figures are estimates only at this time, and should not be considered either as a firm commitment of quantities to be received or as a limitation on the amount of waste to be received in any of the years shown. The actual quantities to be received are expected to be determined by contracts the owner or operator anticipates securing from waste generators after the facility is closer to being in operation. The facility will be constructed to have sufficient processing and disposal capacity available and sufficient numbers of personnel and equipment, to properly manage the waste streams that are brought to the facility.

### **3.0 GENERAL LOCATION MAPS [330.61 (c)]**

The General Location Map is presented as Figure 1 in Part II. This map is used to present the following described features, to the extent they exist within the distances from the proposed facility as defined by 30 TAC 330.61(c). For clarity, certain of these features are presented elsewhere in this registration application. The prevailing wind direction with a wind rose is presented on Figure 2 of Part II.

There are no water wells on the proposed site or within 500 feet of the proposed permit boundary, except for temporary piezometers and/or groundwater monitoring wells that were installed as part of the development of this permit application. There is one water well within two miles of the proposed site, located about 900 feet southwest of the site. This is the water supply well for the ranch. Its location is shown on Figure 1 in Part II.

There are no structures and inhabitable buildings within 500 feet of the proposed facility. There are several structures and inhabitable buildings about 2,100 feet from the facility; these are shown on Figure 1 of Part II. These include one house, one mobile home, and several ranch buildings (one machine storage building and two sheds used as stables). On occasion, one travel trailer may also be temporarily parked in this area. All residents of these structures are ranch workers employed by Yugo Ranch.

There are no schools, licensed day-care facilities, churches, or cemeteries within one mile of the facility. Several man-made ponds (stock tanks) exist within one mile of the site, and these are shown on the map. There are no other residential, commercial or recreational areas within one mile of the facility, so none are shown; there also are no hospitals in this area. The nearest known airport used for commercial or general aviation is the Laredo International Airport, located more than 20 miles west of the facility.

The location and surface type of roads that will be used to access the facility are shown.

The latitude and longitude of the facility is shown.

Area streams are shown.

There are no airports within six miles of the facility, so none can be shown.

The property boundary of the facility is shown.

Easements within or adjacent to the facility cannot be clearly shown on Figure 1 of Part II. Consequently, for the sake of clarity, all easements are shown on Figure 4 of Part I.

Facility access control features will be shown of Figure 1, Part III.

There are no recorded archeological, historical or aesthetic sites within one mile of the facility, so none can be shown.

#### **4.0 FACILITY LAYOUT MAPS [330.61 (d)]**

A Facility Layout Map and an Operations Area Layout Map are provided as Figures 3 and 4 of Part II. These maps provide:

The maximum outline of the landfill unit(s);

General locations of main facility access roadways;

General locations of buildings;

Explanatory notes;

Fencing (not specifically shown, but appropriate fencing will be provided along the facility boundary, and will be shown in the future submission of these figures with Parts III and IV);

Natural amenities and plans for screening the facility from public view; and

Site entrance road from public access roads.

Locations of monitoring wells are not shown, as none are proposed at this time.

A Future Operations Layout Map, Figure 5, is proposed, but the information and site features that are intended to be shown on this figure have not yet been developed. These will be developed as part of the preparation of Parts III and IV of this application, and Figure 5 will be prepared and submitted along with these parts.

It should be noted that the detailed planning for the facility layout has not been completed at this time. These details should not be considered critical to the evaluation of the facility from a land use compatibility determination. The proposed facility is completely isolated from all land use except cattle ranching and oil and gas production, and is provided with an effective buffer of more than one-quarter mile on three sides and 300 feet on the fourth side.

## **5.0 GENERAL TOPOGRAPHIC MAPS [330.61 (e)]**

The General Topographic Map is presented as Figure 6. It was derived from the United States Geological Survey 7 ½ minute quadrangle map for the site area, identified as the Burrito Tank map. This map is the most recent such map of the site area and was prepared in 1980. It is at a scale of one inch equals 2,000 feet.

## **6.0 AERIAL PHOTOGRAPH [330.61 (f)]**

An aerial photograph of the required size and scale is provided as Figure 7, Part II. The facility boundary is marked and an area within at least a one-mile radius beyond that boundary is shown. The scale of the aerial photograph is one inch equals 2,000 feet, which is within the required range. This photo shows the facility (or site) boundaries and the area within a one-mile radius of the boundary. No actual fill areas exist, so none can be shown or marked. There has been no growth for many years in the area covered by the aerial photograph, so a series of photographs to show growth trends is not needed because there are no growth trends to show.

## **7.0 LAND-USE MAP [330.61 (g)]**

The Land-Use Map is presented as Figure 8, and shows the existing land uses within one mile of the facility. The land usage presented on this map was obtained by personal observation and examination of recent aerial photographs, and is believed to be accurate as of the date of this photograph, which was taken in 2008. This land use information was checked by visual observation in June 2010. The current land use is shown on Figure 8, and is as described in the Land Use Map Legend.

Current, recent and historic land use within the facility boundary is the same; cattle ranching and production of natural gas. Figure 9 is provided to show oil and gas wells in the area of the facility. Numerous roads, ranging from all-weather gravel surfaced roads to unimproved lanes, exist in the area, primarily to serve oil and gas exploration and production. This very same land use extends for at least 3 to 5 miles in all directions from the facility.

## **8.0 IMPACT ON SURROUNDING AREA [330.61 (h)]**

The proposed addition of the landfill and related facilities at this site will not have an adverse impact on human health or the environment in the area surrounding the facility. There is no existing zoning that would prohibit this proposed use, and no approval or special permit is required from any local government. There is no existing zoning map of the site or surrounding area, so none can be provided herein.

### **8.1 Potential Impact on Human Health**

The following discussion assesses potential human health impacts on cities, communities, groups of property owners and individuals. Due to demographic factors associated with this particular site, and the nature of the proposed landfill and waste processing operations and type of materials to be processed, the only potentially affected category that should be considered is individuals. This is because the site area has a very low population density, with no residential dwelling units within 500 feet of the proposed facility. Fewer than 10 persons live within a one-mile radius of the facility. The closest residential dwelling units are two structures at the Yugo Ranch headquarters about 2,100 feet southwest of the facility boundary. The next closest residential structures are at another ranch headquarters located approximately 2 miles away to the northwest.

There is no city, community, or group of property owners that are potential target receptors that might be subjected to adverse human health impacts from the proposed facility. This is because of the separation distances that will exist and because of the virtual lack of etiological agents or disease vectors that might result in such impacts. The individuals to be considered in the evaluation of health impacts include nearby residents, facility employees, and visitors. This evaluation will consider the potential modes of transmission of etiological agents or disease vectors that might impact human health. The modes are transport by air, surface water and ground water. Transmission by vectors, such as insects (particularly flies) and rodents (particularly rats and mice), are not being considered any further in this analysis because the waste storage and processing methods to be employed at this facility will prevent the propagation or reproduction of these species in or near the waste, and will essentially deny access to the waste to any existing members of these species. Basically, waste will be in closed containers until placed into the landfill, at which time the waste will be covered with additional waste or cover soil. Transmission by dermal contact or ingestion are not realistic modes because all persons who may come in direct contact with waste will be required to wear gloves and will be specifically trained to avoid dermal contact or ingestion of waste or waste materials.



**Air Mode** - The two nearby residences in the facility area are located to the southwest of the landfill, as shown on the Aerial Photograph, Figure 7. The prevailing wind direction, as shown by the Wind Rose in Figure 2, is not in this direction. In fact, Figure 2 shows that wind blows from the facility towards these two residences only about 5 percent of the time. The three factors of low incidence of wind blowing towards these residences, lack of etiological agents or vectors, and the separation distance of over 2,100 feet, combine to produce a negligible chance of adverse health effects to these residents due to the facility.

The individuals to be considered with respect to potential human health impacts due to inhalation or ingestion are employees of facility and visitors to the facility.

Potential exposure to employees varies by job assignment. Persons who work in the close proximity to waste or waste processing will be provided with National Institute for Occupational Safety and Health (NIOSH)-approved dust masks and will be required to wear them during operations that expose them to dust. Such employees will also be required to wear hard hats, safety glasses, gloves and protective boots while working in this operation. A water truck will be available as needed throughout the facility and will provide water that will be spray-applied when needed to control dust.

Office workers will not be exposed to materials of concern. A supply of hard hats, safety glasses and dust masks will be maintained at the facility for use by visitors or employees who may occasionally enter the waste processing or disposal areas.

**Surface Water** – The facility will be designed to contain and properly manage all water that has come into contact with waste, including leachate, clean-up water, and rainfall that comes in contact with exposed waste. All such water will be treated or managed on-site, and will not be discharged off-site. Workers who manage this water will be trained and provided with appropriate personal protection equipment to prevent ingestion or dermal contact with this water.

**Groundwater** – The landfill will be designed and constructed with a liner and leachate collection system that will act in tandem to prevent the migration of waste or waste constituents to groundwater. An array of groundwater monitoring wells will be designed and installed to check groundwater quality and to make sure the liner and leachate collection system is working to prevent release of contaminants to the groundwater. Should such a release occur, it can be detected and corrective measures can be taken before any adverse health impact can occur.

The facility's geological and hydrogeological setting also provide protection of public health, as water quality in the upper aquifer at the facility is too poor to be used for

human consumption. Deeper aquifers are protected from possible site-related contamination by hundreds of feet of intervening very low permeability soil intervals.

## **8.2 Potential Impact on the Environment**

No adverse impacts on the environment of the area are anticipated from the proposed landfill operation. Debris barriers will be employed to reduce the potential for wind-blown dispersal of debris and litter.

Some noise will be generated by the periodic operation of the motorized equipment including waste compactors, bull dozers, hydraulic backhoes and the trucks used to bring and remove waste containers. The frequency and the intensity of the equipment noise generated on-site will be quite low in all off-site directions. This is due to the buffer zone width and the operation of most equipment within a building. Except for trucks entering and leaving, all on-site noise generation will be limited to areas of the facility that are located on private property at least ¼ mile from neighboring property.

## **8.3 Compatibility with the Surrounding Area**

**Zoning** - The facility is located more than 5 miles east of the City of Laredo and the area surrounding the site within two miles extends into unincorporated Webb County. No specific approval is required from the City of Laredo or Webb County for the proposed facility. The facility is well beyond the extra-territorial jurisdiction (ETJ) of the City of Laredo. Accordingly, the City of Laredo has no authority to establish zoning, land use planning, or other restrictions on development in the area. Similarly, the facility is not within the extra-territorial jurisdiction (ETJ) of any other incorporated city. Webb County has enacted no zoning or similar restriction on land use at the facility or surrounding area.

**Character of Surrounding Land Uses** - This facility location and the area extending for many miles in all direction are obviously suitable for oil and gas production and cattle ranching. This is the current and historic land use status of the property on which the facility is proposed, and has been for many years. No other residential, recreational, commercial, agricultural or industrial land uses exist for several miles in the site area.

The site is about two miles north of the north end of Jordan Road. This is the closest area to the site that is accessible to the general public, as the access road into the site from Jordan Road is privately owned. Existing residential and several commercial properties are located at Ranchitos los Lomas, about 3.5 to 4.5 miles northwest of the proposed facility. The proposed facility is more than adequately screened from view from both of these areas by a distance of about two to four miles. The intervening areas consist of heavily wooded or brushy vegetation and rolling topography.

Commercial development within one mile of the site is non-existent. Land use is exclusively devoted to the exploration and production of oil and gas and cattle ranching, both of which are commercial ventures, but are not normally considered to be described as commercial development. Oil and gas activity occurs somewhat randomly, but extensively, throughout the general area of the site. One feature of this commercial use is that it requires frequent access to well sites by large, heavy vehicles, such as well drilling rigs, work-over trucks, and tank trucks that haul produced liquids. These heavy vehicles regularly traverse the roads in the site area, and testify to the adequacy of these all-weather surfaced roads to support such truck traffic. Landfill-related traffic will employ vehicles that are similar in many respects to this existing traffic. A second commercial type of land use near the site is the KCS railroad, whose tracks are located within one to two miles of the site.

In addition to the residential, commercial and industrial land use described above, land use within a five-mile radius of the facility is divided between agricultural (essentially all pasture land used for cattle ranching) and dispersed oil and gas well sites.

The closest population center and only concentrated residential land use within five miles of the facility is Ranchitos Las Lomas, a community or subdivision located along Hwy 59 about 3.5 to 4.5 miles northwest of the site. This is a community of about 334 persons, according to the 2000 census. Widely scattered residences are found at several ranch headquarters in the area, but these are typically separated from each other by several miles, due to the large size of the ranches, which appear to be on the order of 10,000 acres each. Typical of these is the Yugo Ranch, within which the proposed facility is located. There are an estimated two or three active residences within one mile of the facility, all located at the headquarters of Yugo Ranch. This includes one house, one mobile home, and one travel trailer. These nearest occupied residences house ranch hands that are employed by Yugo Ranch.

Vehicle or equipment noise that will be generated by the proposed solid waste activities may not be discernable and should not be objectionable to occupants of the residences at Yugo Ranch because of the low speeds and separation distance. Prevailing winds, which tend to carry noise in its direction of movement, should carry noise away from these residences. Noise resulting from the operation of the facility will not cause any impact to the community of Ranchitos Las Lomas, located about 4 miles northwest of the facility, due primarily to the separation distance. Also, any noise that could be perceived within a limited distance from the facility will be engine noise associated with heavy equipment. Noise generated by truck traffic travelling to and from the facility will be similar to the noise from oil-field trucks and equipment that already travel along area roads many times a day. Truck traffic noise related to accessing the facility will be indistinguishable from

the noise of truck and automobile traffic along U.S. Highway 59, which bisects this community. This highway traffic consists of many trucks and tractor-trailer units traveling at up to 70 miles per hour, 24 hours per day.

**Growth Trends** - The population of Webb County (2000 Census) was 193,117, and the population estimate for 2009 is 241,438, an increase of about 33 percent. Within a one-mile radius of the facility, the long-term population is estimated to be fewer than 10 persons, and this population has no growth or growth trend. The 2000 population for Ranchitos Las Lomas was 334, which had 148 housing units and a population density is calculated to be 15.3 persons per square mile. Historic population data indicates the population of Ranchitos Las Lomas has been about 300 to 350 persons for many years. Visual observation of this community shows no evidence of recent growth, such as new homes or commercial buildings.

**Proximity to Residences and Other Uses** – The proximity of the facility to residences is discussed above. There are no schools, churches, cemeteries, historic structures or sites, archaeologically significant sites, or sites having exceptional aesthetic quality within one mile of the facility. The lack of some of these sites or features has been verified. According to Texas Historical Commission (THC) records, there are no archeological or historic sites in the area of the proposed facility. There are no recreational areas within one mile. There are three residences within one mile of the facility, all located at Yugo Ranch headquarters about 2,100 feet southwest of the facility, and no commercial establishments. The estimated population density within a one-mile radius of the facility is less than one person per square mile.

**Wells** - There are no known or recorded water supply wells, either active or abandoned, within 500 feet of the proposed facility.

## 9.0 TRANSPORTATION [330.61 (i)]

Vehicular traffic associated with the proposed landfill will primarily approach and leave the general area of the facility on State Highway 359, a two lane asphalt-paved road with paved shoulders. Between SH 359 and the site, traffic will travel about 5 miles on Jordan Road, which is a Webb County road, to within about two miles of the site. There is no posted vehicle weight limitation on Jordan Road. The final road leading into the site is an all-weather surfaced private road on Yugo Ranch.

Webb County was given information about the proposed Pescadito Environmental Resource Center, and has expressed support for the project. A copy of a letter from Webb County Judge Danny Valdez stating the county's support is presented in Part II, Attachment E.

Existing and future estimated traffic volumes on SH 359 were not studied in connection with this application. SH 359 is estimated to be a minimum of 5.9 miles from the proposed facility. A review of publicly-available data on Webb County traffic did not produce existing traffic counts or future traffic projections for Jordan Road, which is about 1.1 mile from the closest portion of the proposed facility.

At the initial expected rate of 1,000,000 tons per year (tpy), the expected volume of traffic associated with the proposed landfill is expected to be approximately 260 trips per day (130 vehicles entering and leaving, including 10 passenger vehicles and 120 trucks). Ultimately for 2,000,000 tpy, the facility traffic is expected to be 520 trips per day (260 vehicles entering and leaving, including 20 passenger vehicles and 240 trucks). At this ultimate volume, truck traffic will average about 10 vehicles per hour or one every 6 minutes. This volume of site-related traffic will have no significant adverse impact on the capacity of SH 359. Because of the relatively low volume of site traffic, along with the favorable geometry, reduced speed limit and long sight distance, no turning or storage lanes would be needed to safely accommodate the proposed facility.

The applicant proposes that all site-related traffic will approach the site from the south, via SH 359 and Jordan Road.

TxDOT was provided information about the proposed facility, and has concurred that there will be no adverse impacts from the proposed facility on the State highway system. A letter expressing this conclusion from Albert Quintinella, P.E., TxDOT's Laredo District Engineer, is presented in Part II, Attachment B.

## 10.0 GENERAL GEOLOGY AND SOILS STATEMENT [330.61 (j)]

The geologic unit that covers most of the site is the Eocene aged Jackson Group (Barnes, Proj. Dir., 1976). The Jackson Group is up to about 360 ft thick, and is made up of sandstone and clay. The sandstone is fine to course grained, friable to well cemented, commonly laminated and crossbedded, white, gray, greenish brown, light brownish yellow, and fossiliferous. The clay is sandy and calcareous and greenish gray, pink, and red. The clay contains abundant silicified wood, some beds of white volcanic ash, and large, dark limestone concretions composed of calcite crystals. Only the lower part of the Jackson Group is exposed at the site.

Beneath the Jackson Group and exposed on the western side of the site is the Yegua Formation. The Yegua Formation is about 400 ft thick and is made up of clay and sandstone. Clay predominates in the Yegua Formation. Locally, the Yegua is lignitic, sandy, bentonitic, and silty. The clay is mostly well-laminated and chocolate brown to reddish brown, but becomes lighter colored upward. Upon weathering, the Yegua clay produces dark-gray soil. Sandstone in the Yegua is mostly quartz grains, but includes some chert. The sandstone is fine grained, indurated to friable, and weathers to loose, ferruginous, yellow-orange and reddish-brown soil. Locally, there is some fossil wood. Only the very upper part of the Yegua Formation is exposed at the site.

Based on an evaluation of mineral resources of Texas (L. E. Garner and others, 1979), geologic units underlying the proposed landfill site and surrounding areas indicate significant quantities of clay (nonceramic)/volcanic ash. The clay deposits are composed predominantly of montmorillonite-group minerals and deposits of volcanic ash locally interbedded with sandstone, particularly in the Jackson Group. Nonceramic clay deposits include fuller's earth (attapulgite) and other bentonitic clays, and volcanic ash deposits include pumicite, which was formerly quarried in Starr County to the south. Deposits of zeolite minerals are present locally; heavy-mineral concentrations in some associated sandstone also present locally.

According to St. Claire and others (1976) the Jackson Group and the Yegua Formation have some lignite-bearing strata; however, there is a low potential for significant commercial deposits. There is some potential for encountering uranium-bearing strata. Uranium concentrations, though, are localized and discontinuous, and compose only a small part of the shale and sandstone sequences in which they occur. The potential presence of lignite and uranium at the site will be assessed during the subsurface investigation.

Kier and others (1977) rate the site as naturally suitable for solid waste disposal with proper monitoring.

Pescadito Dome, a deep-seated salt diapir, is located approximately 5 miles west-northwest of the proposed PERC landfill site and is bounded and crossed by many faults that appear to be localized over the top of the dome. Moca Salt diaper is located about 28 miles northeast of the proposed landfill site in the northeastern part of Webb County along the boundary with Duval County. There are no mapped, active faults or even inactive within 200 ft of the proposed landfill site (Barnes, Proj. Dir., 1976); 200 ft is the minimum distance a landfill can be located near an active fault as specified in §30 TAC 330.555. The proposed PERC landfill site is located more than 5 miles from the closest, regionally extensive inactive fault, which is actually an upward extension of the Wilcox Fault Zone. Differential subsidence related to fluid withdrawals is not known to be an issue with respect the geologic formations underlying the proposed landfill site. Site-specific investigation will confirm or disprove the presence and extent of any minor fault features or indications of subsidence on the property in question.

There appears to be no natural unstable areas, as defined by the TCEQ regulation, 30 TAC 330.559, in the area of the PERC site. Stability analyses are a normal consideration of facility design with respect to human-induced instability. Investigations and geotechnical evaluations will be performed in conjunction with the engineering design of the facility, and will be reported subsequently with Parts III and IV of this application.

Webb County is in an area of very low seismic activity and risk (USGS, National Seismic Hazard Map, 2008), the equivalent of less than 10 percent probability of 0.10g in 250 years. [http://earthquake.usgs.gov/research/hazmaps/products\\_data/2008/](http://earthquake.usgs.gov/research/hazmaps/products_data/2008/)).



## 11.0 GROUNDWATER AND SURFACE WATER [330.61 (k)]

The following discussion provides information on site-specific groundwater conditions at and near the site, data on surface water near the site, and information demonstrating compliance with the Texas Pollutant Discharge Elimination System (TPDES) storm water permitting requirements and Section 402 of the Federal Clean Water Act (as amended) (CWA).

The uppermost aquifer in the area of the facility is the Yegua-Jackson Aquifer, which only recently has been designated a minor aquifer by TWDB criteria. This aquifer may include geologic units of the Jackson Group and the underlying Yegua Group, and may be on the order of 750 feet thick.

The hydrogeology of Webb County was published by the USGS in 2004 (Lambert). Laredo, the largest city in Webb County in proximity to the Rancho Viejo Waste Management, LLC site, and nearby border towns currently use the Rio Grande River as their primary source of public water. Other cities such as Bruni and Mirando City in the southeastern part of the county rely on groundwater resources to provide municipal water supply. Increased water demand due to economic development and population growth is forcing the City of Laredo to evaluate alternative water sources to meet future demand. Some options are artificial aquifer storage and recovery (ASR) and supplementing the surface water supply with groundwater.

The Jackson Group encompasses the Jackson Aquifer. The Jackson Aquifer is a minor aquifer of the State that crops out in a north-south trending band in eastern Webb County and dips toward the Gulf Coast. The Jackson Aquifer yields variable amounts of slightly to highly saline water that is used mainly for livestock. It is at most 2,220 ft thick in Webb County, and comprises clay, shale, sandy clay, sandstone, ashy sandstone, and volcanic ash. The dichotomy between the thickness given by Lambert (2004) and Barnes (Proj. Dir., 1976) cannot be reconciled, especially given the stated dip of the Jackson Group, 46 ft/mile given by Lambert (2004) as compared to the mapped with of the Jackson Group as shown by Barnes (1976) and Lambert (2004). The sandstone layers that are present are generally only 15 to 50 feet thick and are bounded by much thicker clay or shale. One aquifer test indicated the transmissivity of the Jackson Aquifer to be 225 ft<sup>2</sup>/d. Yields of this aquifer are variable and depend on the thickness of sand to which a well is open. The Jackson is now considered part of the Yegua-Jackson Aquifer, and these distinctions between the two units are no longer significant.

It is anticipated that since portion of the Jackson Group at the PERC site is only the lower, most updip part that the aquifer is not very thick, if present at all. Additionally, near the western side of the outcrop, net sand content is low.

The Yegua Formation, immediately below the Jackson Group and exposed on the western side of the proposed PERC landfill site, corresponds to the Yegua Aquifer. The Yegua Aquifer is another designated minor aquifer in the State that also crops out in a north-south trending band in east central to central Webb County and also dips toward the Gulf Coast. The Yegua Aquifer yields small amounts (<15 gal/min) of slightly to moderately saline water suitable for livestock. It is at most 1,480 ft thick in Webb County, and comprises clay, sandy clay, thin beds of sandstone, secondary gypsum, and some limestone concretions. Sandstone is generally thin-bedded and stacked and surrounded by thicker sections of clay and shale. Of the aquifers in Webb County, the Yegua is generally the most saline. Again, the dichotomy between the thickness given by Lambert (2004) and Barnes (Proj. Dir., 1976) cannot be reconciled given the stated dip of 64 ft/mile given by Lambert as compared to the width of outcrop of the Yegua Formation as shown by Barnes (1976) and Lambert (2004).

Samples from two of the five existing water wells within 5 miles of the proposed PERC landfill site were obtained and analyzed by DHL Analytical in November 2009. One well is on Yugo Ranch about 900 feet from the site. The second well is owned by Webb County and is located about 5 miles northwest of the site. The samples from both wells exceed drinking water standards for chloride and total dissolved solids.

There are two large surface water impoundments on the proposed PERC landfill site and several smaller impoundments. For the most part surface water flow occurs as overland flow and flow in dry washes whose course is difficult to identify on available aerial photos. A few of the dry swales on or near the southern end of the proposed PERC landfill site do not have defined bed and banks. This was determined based on onsite inspection by the design engineer who will incorporate appropriate drainage controls into the facility design that comply with all regulations including the Texas Pollution Discharge Elimination System (TPDES) and allow obtaining appropriate TPDES permits.

The proposed facility will operate under TPDES General Permit No. TXR050000. It will also operate in accordance with a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will be prepared as the actual design of the landfill and related facilities is completed during the preparation of Parts III and IV of this permit application. The SWPPP will be updated as necessary to reflect site modifications proposed by the operator subsequent to receiving a MSW permit.

The facility will comply with the requirements of the TPDES storm water permitting requirements by continuous operation and monitoring of its SWPPP throughout the active life of the facility. The SWPPP will be developed specifically for the proposed facilities

and operations, and will include both ongoing inspection of storm water pollution prevention systems and practices, and periodic sampling and analysis of storm water discharges. Should the results of the SWPPP monitoring indicate a need for revisions, or should the facility and its operation change in the future, the SWPPP will be revised as needed. A Notice of Intent (NOI) to obtain coverage under TPDES General Permit No. TXR050000 (or its successor) will be submitted to TCEQ. Filing the NOI will initiate coverage of this facility under the General Permit and is one of the criteria for compliance with the TPDES and Section 402 of the CWA. Operation of the SWPPP is the other criteria for compliance with the TPDES requirements.

## **12.0 ABANDONED OIL AND WATER WELLS [330.61 (I)]**

**Abandoned Oil Wells** - The area around the proposed landfill site on the Yugo Ranch has been drilled extensively for oil and gas. However, there are no active wells within the proposed landfill footprint or facility site and only one abandoned and plugged gas well. Detailed records of the oil and gas wells are being compiled from the records of the Railroad Commission of Texas (RRT). Pending completion and review of that compilation, a map of the active and plugged wells was obtained and used as a reference. These records in conjunction with an onsite inspection before and during excavation will allow determination of whether the well, or any others discovered onsite, need to be capped, plugged, and closed in accordance with applicable rules and regulations of TCEQ or the RRT; as required, within 30 days prior to construction, written certification will be provided to executive director of TCEQ that the gas well, and any others encountered, have been properly capped, plugged, and closed. Gathering lines do crisscross the proposed landfill site; thus, if a waste disposal permit is received, these lines will have to be abandoned and relocated as necessary. Future drilling for mineral resources beneath the landfill will use deviated drilling techniques from surface locations outside the footprint of the proposed landfill.

**Abandoned Water Wells** – There are no abandoned water wells at the facility.

### **13.0 FLOODPLAINS AND WETLANDS STATEMENT [330.61 (m)]**

Portions of the proposed facility are currently located within the 100-year floodplain, as indicated on the replication of the most current available floodplain map, or Flood Insurance Rate Map (FIRM), presented in Figure 9. However, several man-made livestock watering tanks were constructed many years ago, and the existence of the dams that form these tanks was not considered when the floodplain map was compiled. Regardless, the design of the proposed landfill and related facilities will include design of a comprehensive storm water management system of dikes, drainage channels and detention ponds. Collectively, this system will remove the area of the landfill from the 100-year floodplain. TRC will perform all the necessary hydrological and hydraulic engineering analysis and design to accomplish this. The results of this engineering design will be submitted to the Federal Emergency Management Agency (FEMA) for review and approval. This engineering work will be performed concurrently with preparation of Parts III and IV of this permit application.

TRC performed a wetland evaluation at the facility site in 2009 (see Attachment A). The results of this evaluation indicate that there may be jurisdictional wetlands in and near the livestock watering tanks discussed in the preceding paragraph. Accordingly, TRC will perform a wetland delineation study in the near future, in conjunction with the preparation of Parts III and IV of this application. The results of this delineation will be evaluated in accordance with current Federal rules and guidelines for the protection of jurisdictional wetlands. TRC anticipates that one outcome of this evaluation will be a consultation with the Corps of Engineers (COE) to determine the appropriate course of action. One other possible outcome of the evaluation will be the preparation of an application of a Section 404 permit application to alter jurisdictional wetlands; however, the areas currently suspected of qualifying as wetlands are located in an area of this site that is not likely to be developed within the next ten years or more. TRC's experience with wetland permitting through the COE indicates that the COE is unlikely to consider a Section 404 permit application for an activity that is not anticipated to occur until this far into the future. More likely, the result of the consultation with the COE will be an agreement to enact certain measures to avoid disturbance to the wetlands until development of these areas of the site are closer to reality. At an appropriate time, an application for a Section 404 permit and a wetland mitigation plan, if required, will be prepared and submitted to the COE. No construction or development in jurisdictional wetland areas will be undertaken without appropriate authorization from the COE.

Consequently, no jurisdictional wetlands at the location of the proposed facility will be disturbed by the proposed construction or operation of the facility without prior authorization under a federal permit. Due to COE policy that limits the issuance of such

permits to projects that are anticipated to occur within about the next five years, and the fact that no construction is anticipated in the suspected wetland areas before ten or more years, no action can be taken to comply with federal wetlands permitting regulations at this time. However, TRC will perform a wetland delineation as part of the completion of Parts III and IV. This delineation will be reviewed with the COE for concurrence, and from that delineation, plans will be prepared to avoid disturbance of the wetlands by development of this project.

Preparation of a wetlands map requires the completion of the wetland delineation. Since no jurisdictional wetland delineation has been completed at this time for the proposed facility, no map or diagram to show the precise wetland locations has been prepared. This map will be prepared and included with the future submission of Parts III and IV of this application. Appropriated plans for the protection of these wetlands will be prepared and submitted at that time.

#### **14.0 ENDANGERED OR THREATENED SPECIES [330.61 (n)]**

A site reconnaissance and evaluation was performed by TRC in 2009 to assess the potential for the facility to harbor endangered and threatened species, or to provide critical habitat for such species. This evaluation included obtaining current lists of both federal- and state-listed species for Webb County and identifying the habitat and range or occurrence characteristics of all such listed species. TRC's report of this assessment is presented in Part II, Attachment A.

Based on the result of this evaluation, TRC has concluded that the site of the proposed facility may contain habitat or range conditions that may result in the occurrence of endangered or threatened species. By comparing the characteristics of the site to surrounding areas, it is clear that habitat and environmental conditions of the site are not significantly different from conditions for many miles surrounding the site. No unique or critical habitat conditions were observed, but a more complete evaluation of the site was indicated. Accordingly, a more detailed investigation is being planned for the site in the coming months. The results of this investigation will be included with the submission of Parts III and IV of this application.

If the proposed investigation indicates that endangered or threatened species, or their critical habitat, might be impacted by the development of the facility and its operation, appropriate measures such as the preparation and implementation of an endangered or threatened species management plan will be taken. If such a plan is needed, it will be prepared in cooperation with the Texas Parks and Wildlife Department and the U.S. Department of Interior, Fish and Wildlife Service, the agencies charges with responsibility for protection of state and federally listed endangered or threatened species. The finalized plan, along with correspondence signifying the concurrence of these agencies, will be submitted with Parts III and IV of this application.



## **15.0 TEXAS HISTORICAL COMMISSION REVIEW [330.61 (o)]**

The Texas Historical Commission (THC) has been asked to review the proposed project in the context of the Natural Resources Code, Chapter 191, and Texas Administrative Code (see Attachment C). Additionally, TRC searched on-line data sources and found that the project does not appear to affect any known cultural resources sites or historic properties (see Attachment D).

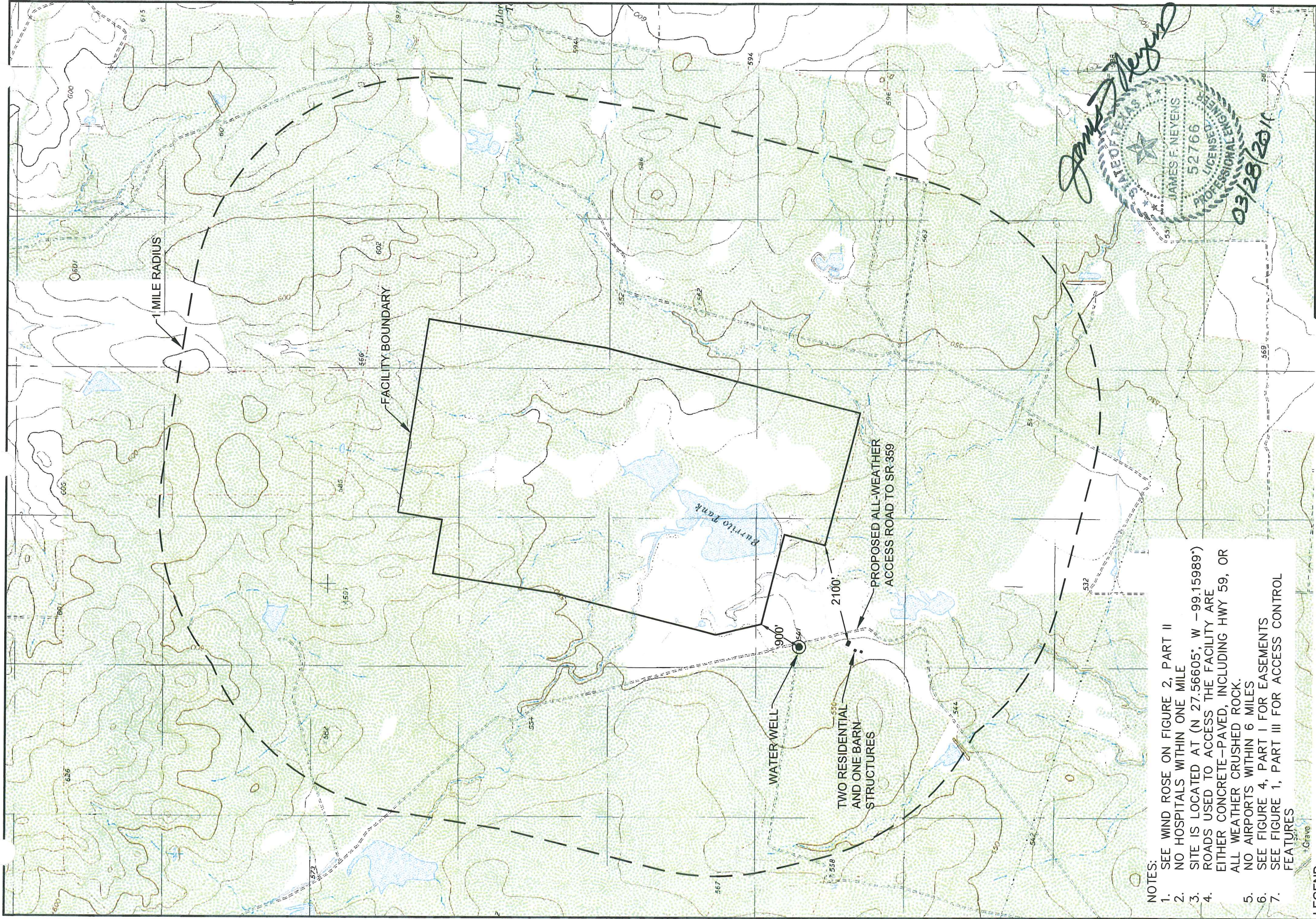
**16.0 COUNCIL OF GOVERNMENTS AND LOCAL GOVERNMENT REVIEW [330.61 (p)]**

Part I and Part II of this permit application are being submitted to the South Texas Development Council (STDC) for review for compliance with the regional solid waste plan (see Part II, Attachment E).

Also, information letters about the proposed project are being submitted to Webb County and the City of Laredo, and review letters are being requested from each entity regarding compliance with any local solid waste plans for their jurisdictions (see Part II, Attachment E).

Information about the Pescadito Environmental Resource Center was presented to Webb County Commissioners Court. The Webb County Judge and all four County Commissioners expressed support for the project. A copy of a letter from Webb County Judge Danny Valdez affirms the support of Webb County (see Part II, Attachment E).





**NOTES:**

1. SEE WIND ROSE ON FIGURE 2, PART II
2. NO HOSPITALS WITHIN ONE MILE
3. SITE IS LOCATED AT (N 27.56605; W -99.15989\*)
4. ROADS USED TO ACCESS THE FACILITY ARE EITHER CONCRETE-PAVED, INCLUDING HWY 59, OR ALL WEATHER CRUSHED ROCK.
5. NO AIRPORTS WITHIN 6 MILES
6. SEE FIGURE 4, PART I FOR EASEMENTS
7. SEE FIGURE 1, PART III FOR ACCESS CONTROL FEATURES

**LEGEND**

- WATER WELL (NONE WITHIN 500')
- STRUCTURE OR INHABITABLE BUILDING (NONE WITHIN 500')
- ★ SCHOOL (NONE WITHIN ONE MILE)
- ✚ CHURCH (NONE WITHIN ONE MILE)
- ⚰ CEMETERY (NONE WITHIN ONE MILE)
- ▲ ARCHAEOLOGICAL OR HISTORICAL SITE (NONE)

**SOURCE**

U.S.G.S. 7.5-MINUTE SERIES TOPOGRAPHIC MAP, BURRITO TANK (1980), TEXAS.



SCALE IN FEET  
1" = 2000'

**GENERAL LOCATION MAP**

PESCADITO ENVIRONMENTAL RESOURCE CENTER  
MSW PERMIT NO. XXXX  
WEBB COUNTY, TEXAS

PROJECT NO.	170401	DWG FILE	170401-MSW-II-1
DRAWN BY.	CL	DATE	02/14/11



505 EAST HUNTLAND DRIVE  
AUSTIN, TEXAS 78752  
(512) 329-6080

FIGURE	1
PART II	
PAGE XX	

*James F. Nevens*  
 JAMES F. NEVENS  
 52766  
 LICENSED PROFESSIONAL ENGINEER  
 STATE OF TEXAS  
 03/28/2011



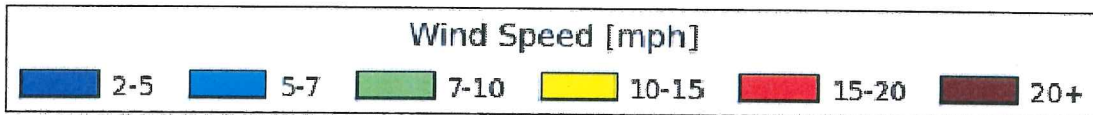
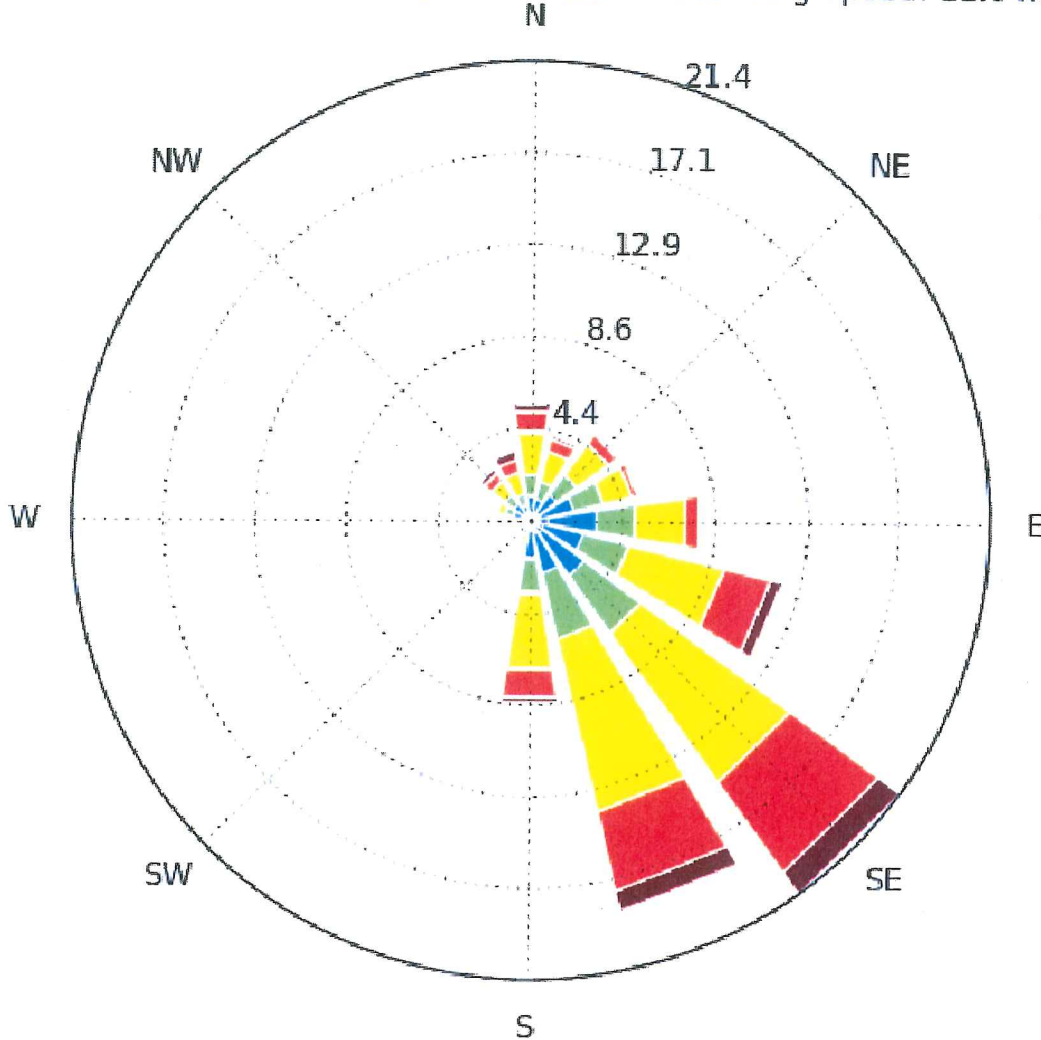


# LAREDO INTL AIRPORT [LRD] Windrose Plot

[All Year]

Period of Record: 01 Nov 2000 - 01 Nov 2010

Number of Obs: 81308 Calm: 6.3% Avg Speed: 11.0 mph

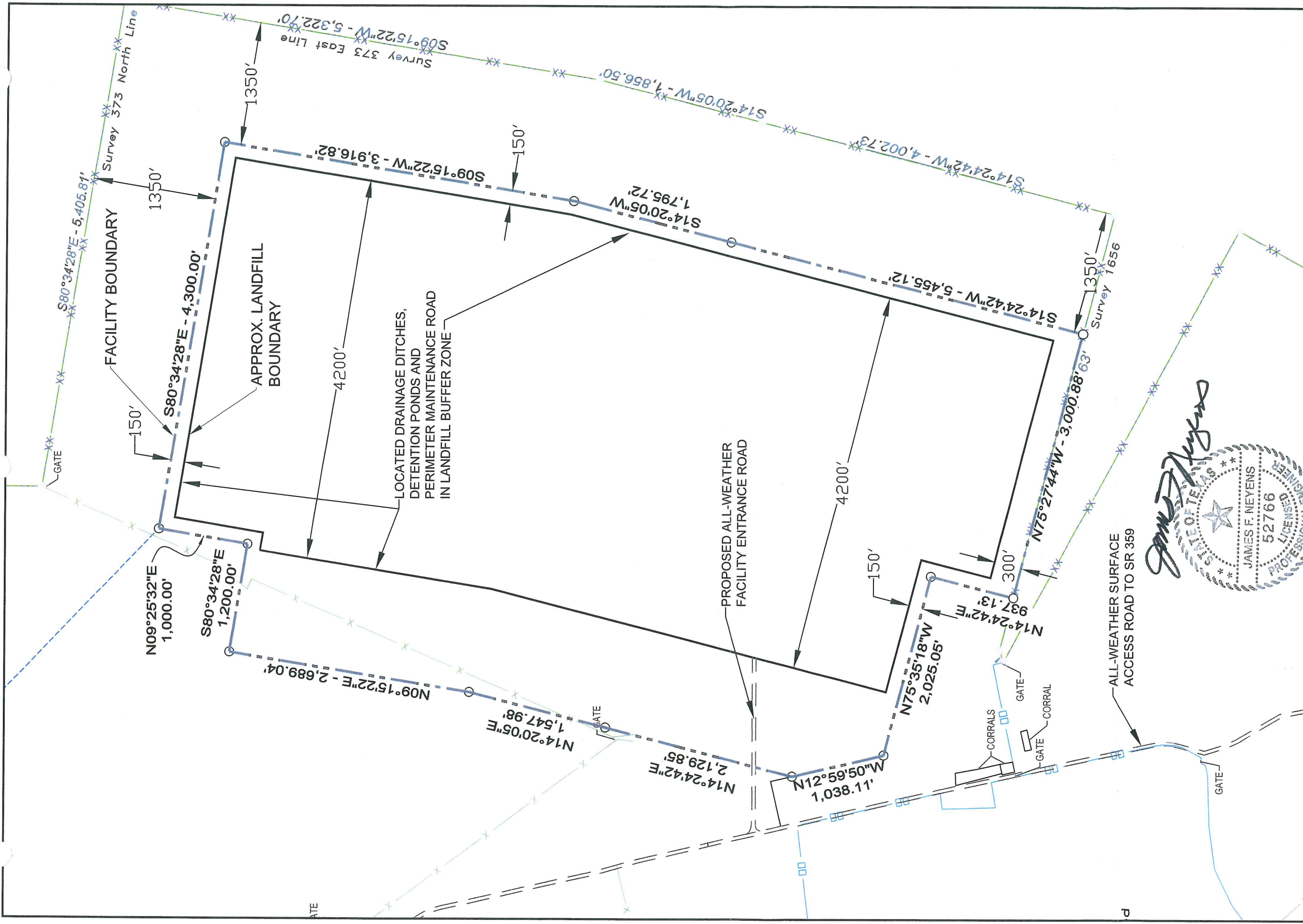


*James F. Neyens*

JAMES F. NEYENS  
52766  
LICENSED  
PROFESSIONAL ENGINEER  
03/28/2011

SOURCE  
IOWA ENVIRONMENTAL MESONET, IOWA STATE  
UNIVERSITY DEPARTMENT OF AGRONOMY

WIND ROSE			
PESCADITO ENVIRONMENTAL RESOURCE CENTER MSW PERMIT NO. XXXX WEBB COUNTY, TEXAS			
PROJECT NO.	170401	DWG FILE	170401-MSW-II-2
DRAWN BY:	WCD	DATE	02/14/11
		REVISED	
		505 EAST HUNTLAND DRIVE SUITE 250 AUSTIN, TEXAS 78752 (512) 329-6080	
		FIGURE	2
		PART II	
		PAGE XX	

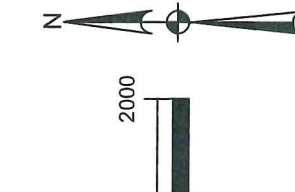


- LEGEND**
- FACILITY BOUNDARY LINE
  - ... APPROXIMATE LANDFILL LIMIT
  - FENCE
  - x- PROPERTY LINE AND FENCE
  - 8' HOG FENCE

**NOTES:**

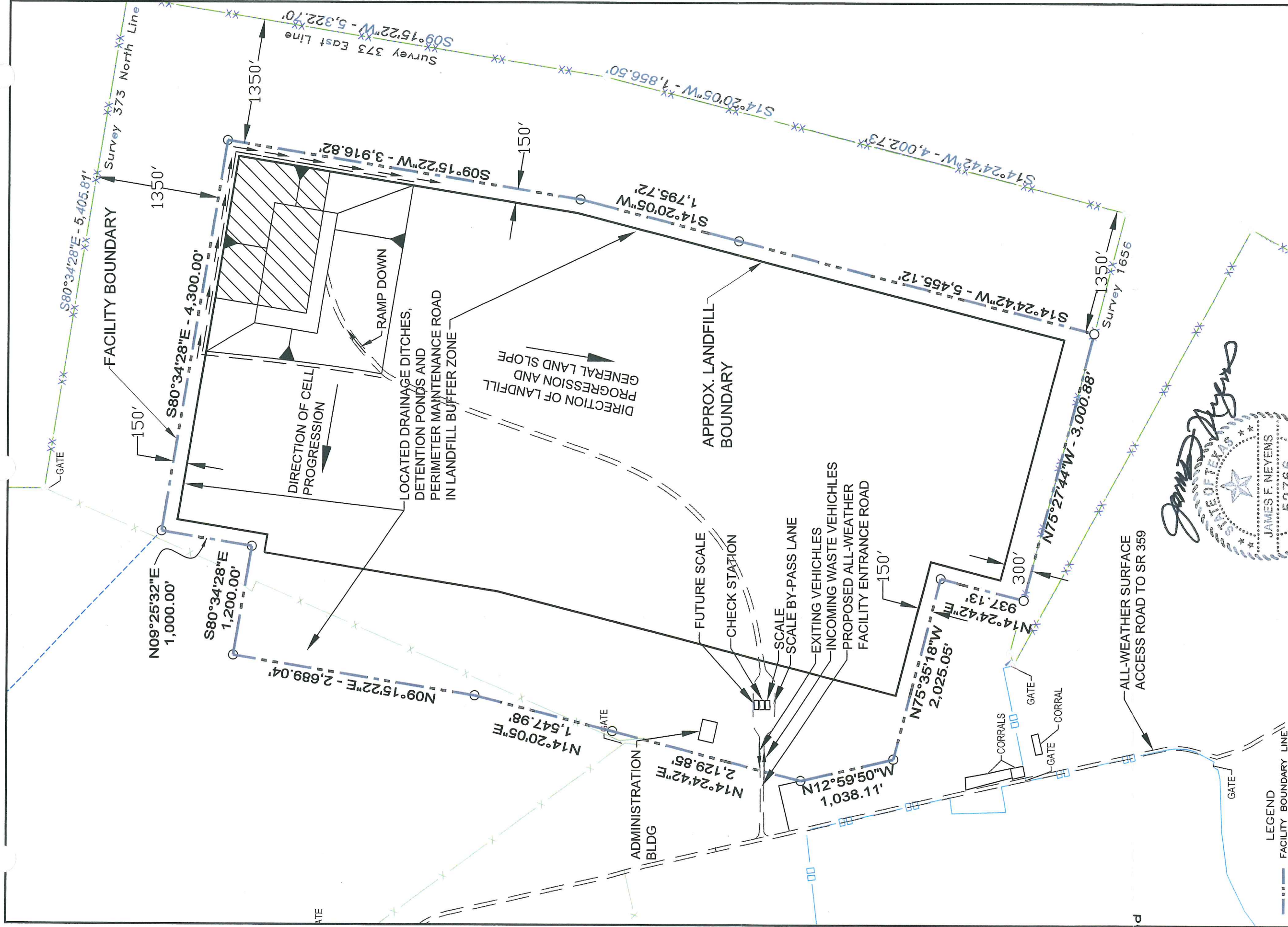
1. FACILITY AREA APPROXIMATELY 1,110 ACRES.
2. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEJIA ENGINEERING COMPANY (4/9/2010).
3. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.

*James F. Neyens*  
 JAMES F. NEYENS  
 52766  
 LICENSED PROFESSIONAL ENGINEER  
 STATE OF TEXAS  
 03/28/2011



FACILITY LAYOUT MAP			
PESCADITO ENVIRONMENTAL RESOURCE CENTER			
MSW PERMIT NO. XXXX			
WEBB COUNTY, TEXAS			
PROJECT NO.	DWG FILE	DATE	FIGURE
170401	170401-MSW-II-3	02/14/11	3
DRAWN BY.	CL	DATE	PART II
			PAGE XX
505 EAST HUNTLAND DRIVE SUITE 250 AUSTIN, TEXAS 78752 (512) 329-6080			





- LEGEND**
- FACILITY BOUNDARY LINE
  - ==== APPROXIMATE LANDFILL LIMIT
  - ▨ CONSTRUCTED LINER AND LEACHATE COLLECTION SYSTEM
  - - - RUN-ON AND RUN-OFF CONTROL BERM
  - DRAINAGE STRUCTURE

**NOTES:**

1. FACILITY AREA APPROXIMATELY 1,110 ACRES.
2. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEJIA ENGINEERING COMPANY (4/9/2010).
3. ACTUAL SIZE OF LANDFILL EXCAVATION TO BE DETERMINED BY INCOMING WASTE QUANTITY.
4. SOME FACILITIES MAYBE SHOWN LARGER THAN TRUE SCALE FOR CLARITY.
5. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.

JAMES F. NEVENS  
 52766  
 03/28/2011

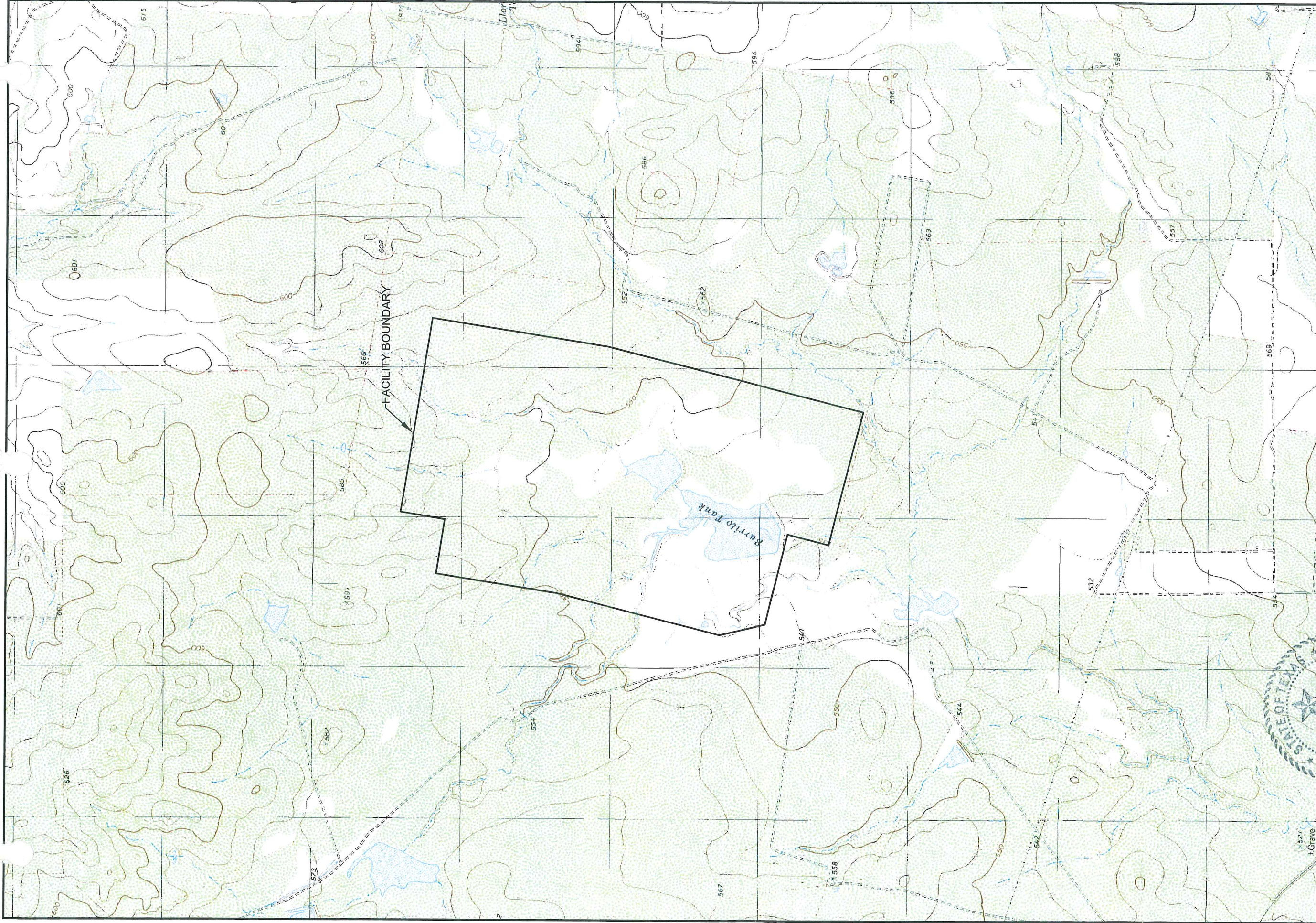


OPERATIONS AREA LAYOUT MAP			
EL PESCADITO MSW PERMIT NO. XXXX WEBB COUNTY, TEXAS			
PROJECT NO.	CL	DATE	FIGURE
170401	DWG FILE	10/29/10	4
DRAWN BY.	CL	DATE	PART II
			PAGE XX
505 EAST HUNTLAND DRIVE SUITE 250 AUSTIN, TEXAS 78752 (512) 329-6090			

**FIGURE 5, PART II**

**TO BE DEVELOPED**





FACILITY BOUNDARY

Burrito Tank

**GENERAL TOPOGRAPHIC MAP**

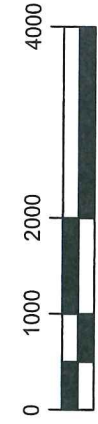
PESCADITO ENVIRONMENTAL RESOURCE CENTER  
 MSW PERMIT NO. XXXX  
 WEBB COUNTY, TEXAS

PROJECT NO.	170401	DWG FILE	170401-MSW-II-6
DRAWN BY.	CL	DATE	02/14/11

505 EAST HUNTLAND DRIVE  
 SUITE 250  
 AUSTIN, TEXAS 78752  
 (512) 329-6080



FIGURE  
6  
PART II  
PAGE XX



SCALE IN FEET  
 1" = 2000'



*James F. Neyens*  
 02/28/2011

SOURCE  
 U.S.G.S. 7.5-MINUTE SERIES TOPOGRAPHIC MAP, BURRITO TANK  
 (1980), TEXAS.





FACILITY BOUNDARY



*James P. Neveng*  
02/29/11

SOURCE: TEXAS ORTHOIMAGERY PROGRAM (TOP), 2008.



SCALE IN FEET  
1" = 2000'

**AERIAL PHOTOGRAPH**

PESCADITO ENVIRONMENTAL RESOURCE CENTER  
MSW PERMIT NO. XXXX  
WEBB COUNTY, TEXAS

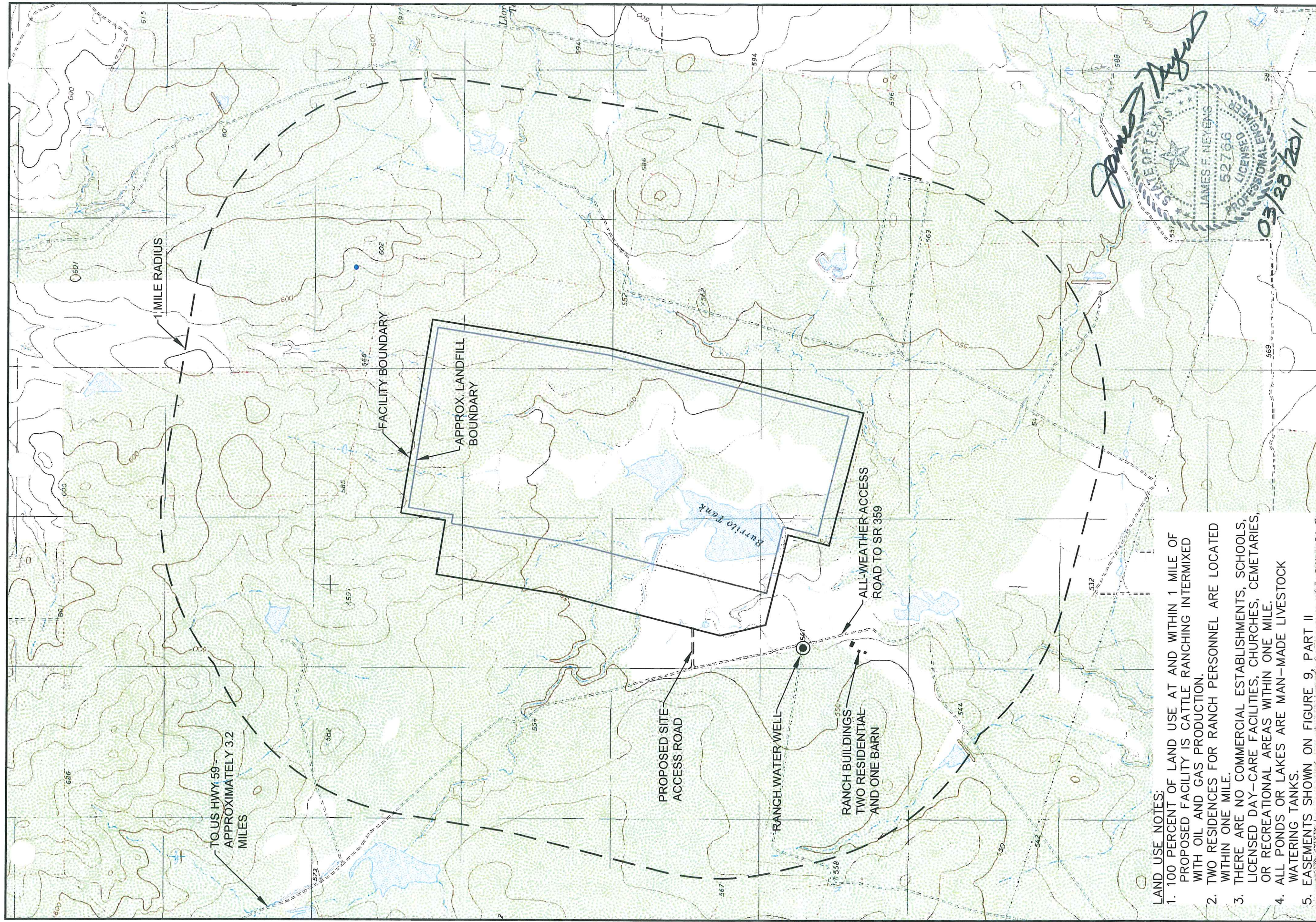
PROJECT NO.	170401	DWG FILE	170401-MSW-II-7
DRAWN BY.	CL	DATE	02/14/11

505 EAST HUNTLAND DRIVE  
AUSTIN, TEXAS 78752  
(512) 329-6080



FIGURE 7  
PART II  
PAGE XX





TO US HWY 59  
APPROXIMATELY 3.2  
MILES

1 MILE RADIUS

FACILITY BOUNDARY  
APPROX. LANDFILL  
BOUNDARY

PROPOSED SITE  
ACCESS ROAD

RANCH WATER WELL

RANCH BUILDINGS  
TWO RESIDENTIAL  
AND ONE BARN

ALL-WEATHER ACCESS  
ROAD TO SR 359

Burrito Tank

**LAND USE NOTES:**

1. 100 PERCENT OF LAND USE AT AND WITHIN 1 MILE OF PROPOSED FACILITY IS CATTLE RANCHING INTERMIXED WITH OIL AND GAS PRODUCTION.
2. TWO RESIDENCES FOR RANCH PERSONNEL ARE LOCATED WITHIN ONE MILE.
3. THERE ARE NO COMMERCIAL ESTABLISHMENTS, SCHOOLS, LICENSED DAY-CARE FACILITIES, CHURCHES, CEMETARIES, OR RECREATIONAL AREAS WITHIN ONE MILE.
4. ALL PONDS OR LAKES ARE MAN-MADE LIVESTOCK WATERING TANKS.
5. EASEMENTS SHOWN ON FIGURE 9, PART II

**LEGEND**

- WATER WELL (NONE WITHIN 500')
- STRUCTURE OR INHABITABLE BUILDING
- POND OR LAKE

*James F. Neyens*  
STATE OF TEXAS  
JAMES F. NEYENS  
52766  
LICENSED PROFESSIONAL ENGINEER  
03/28/2011

**LAND USE MAP**

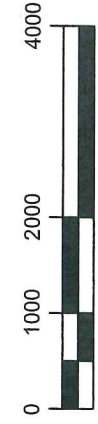
PESCADITO ENVIRONMENTAL RESOURCE CENTER  
MSW PERMIT NO. XXXX  
WEBB COUNTY, TEXAS

PROJECT NO. 170401 DWG FILE 170401-MSW-II-8  
DRAWN BY. CL DATE 02/14/11



505 EAST HUNTLAND DRIVE  
SUITE 250  
AUSTIN, TEXAS 78752  
(512) 329-6080

SCALE IN FEET  
1" = 2000'

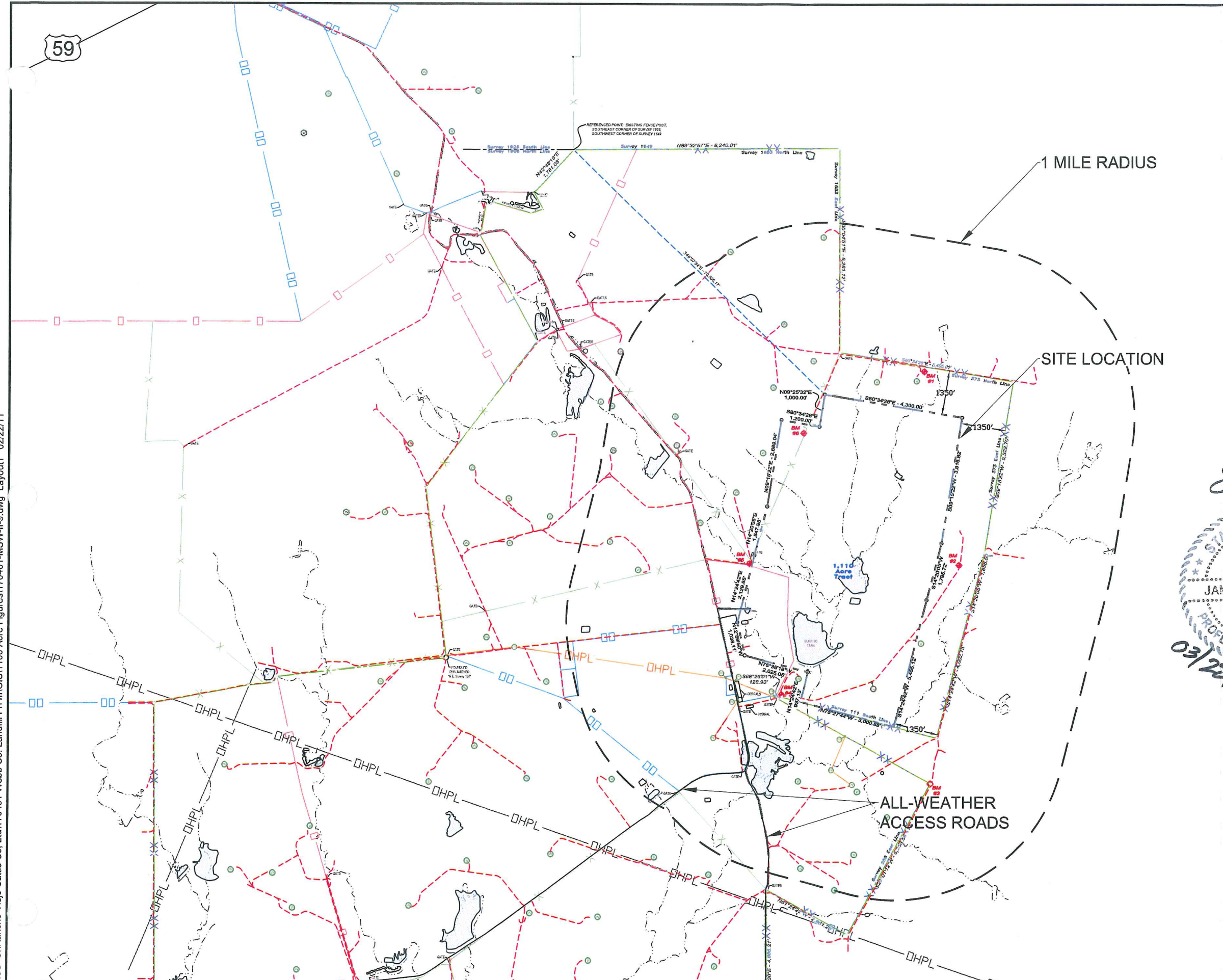


SOURCE  
U.S.G.S. 7.5-MINUTE SERIES TOPOGRAPHIC MAP, BURRITO TANK  
(1980), TEXAS.

FIGURE  
8  
PART II  
PAGE XX



AUS S:\Rancho Viejo Cattle Co, Ltd\170401 Webb Co. Landfill Ph. III\GIS\1100 Acre Figures\170401-MSW-II-9.dwg Layout1 02/22/11



**LEGEND**

	FACILITY BOUNDARY LINE
	PROPERTY BOUNDARY (FENCE LINE)
	FACILITY ACCESS ROAD EASEMENT
	ALL-WEATHER ACCESS ROAD
	DIRT ROAD
	OVERHEAD ELECTRICAL POWER LINE
	8' HOG FENCE LINE
	4' HOG FENCE LINE
	4' BARB WIRE FENCE LINE
	DUAL FENCE LINE
	POND
	FOUND FENCE CORNER
	SET 1/2" IRON ROD
	BENCHMARK
	POWER POLE
	GAS VALVE
	WELL

- NOTES:**
1. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEJIA ENGINEERING COMPANY (4/9/2010).
  2. WELLS SHOWN INCLUDE ACTIVE AND ABANDONED OIL AND GAS WELLS.
  3. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.

1 MILE RADIUS

SITE LOCATION

ALL-WEATHER ACCESS ROADS

N

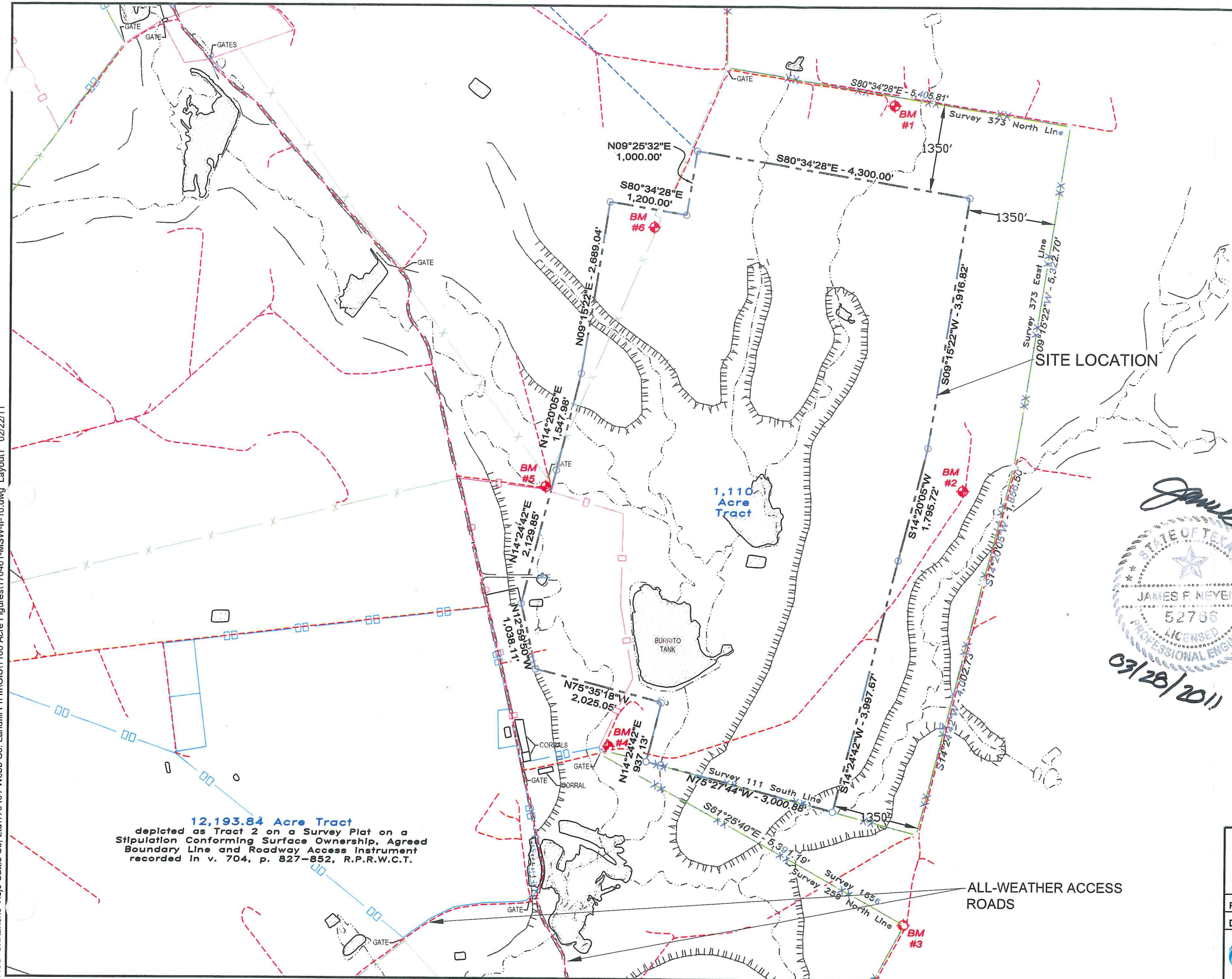
0 1500 3000 6000

SCALE IN FEET  
1" = 3000'

SUPPLEMENTAL LAND USE MAP			
PESCADITO ENVIRONMENTAL RESOURCE CENTER MSW PERMIT NO. XXXX WEBB COUNTY, TEXAS			
PROJECT NO.	170401	DWG FILE	170401-MSW-II-9
DRAWN BY.	CL	DATE	02/14/11
505 EAST HUNTLAND DRIVE SUITE 250 AUSTIN, TEXAS 78752 (512) 329-6080			FIGURE 9 PART II PAGE XX



AUS S:\Rancho Viejo Cattle Co. Ltd\170401-MSW-II-10.dwg Layout1 02/22/11

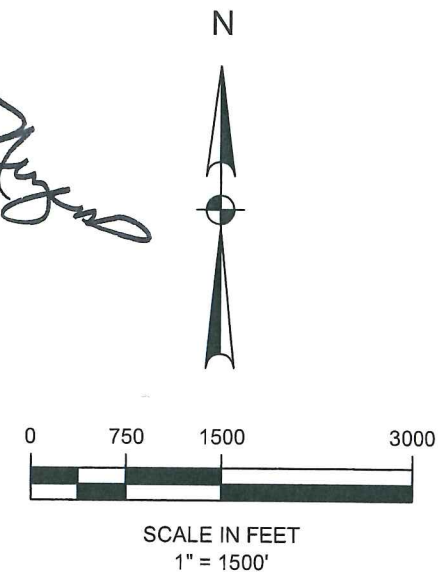


**12,193.84 Acre Tract**  
 depicted as Tract 2 on a Survey Plat on a Stipulation Conforming Surface Ownership, Agreed Boundary Line and Roadway Access Instrument recorded in v. 704, p. 827-852, R.P.R.W.C.T.

LEGEND	
	FACILITY BOUNDARY LINE
	PROPERTY BOUNDARY (FENCE LINE)
	FACILITY ACCESS ROAD EASEMENT
	100 YR FLOOD ZONE A LIMITS
	RAILROAD TRACK
	DIRT ROAD
	OVERHEAD ELECTRICAL POWER LINE
	8' HOG FENCE LINE
	4' HOG FENCE LINE
	4' BARB WIRE FENCE LINE
	DUAL FENCE LINE
	POND
	FOUND FENCE CORNER
	SET 1/2" IRON ROD
	BENCHMARK

- NOTES:**
1. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEJIA ENGINEERING COMPANY (4/9/2010).
  2. BY GRAPHICAL PLOTTING ONLY, PARTS OF THIS TRACT ARE LOCATED WITHIN ZONE A AS DEFINED BY THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48479C1275C WITH AN EFFECTIVE DATE OF APRIL 2, 2008.
  3. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.

*James F. Neyens*  
 STATE OF TEXAS  
 JAMES F. NEYENS  
 52766  
 LICENSED PROFESSIONAL ENGINEER  
 03/28/2011



FLOOD INSURANCE RATE MAP			
PESCADITO ENVIRONMENTAL RESOURCE CENTER MSW PERMIT NO. XXXX WEBB COUNTY, TEXAS			
PROJECT NO.	170401	DWG FILE	170401-MSW-II-10
DRAWN BY.	CL	DATE	02/14/11
	505 EAST HUNTLAND DRIVE SUITE 250 AUSTIN, TEXAS 78752 (512) 329-6080		FIGURE 10
			PART II
			PAGE XX

**Attachment A**

**T&E Species and Wetlands Assessment**





## MEMORANDUM

**To:** James Neyens, P.E., TRC

**From:** Barrett Clark and Deborah Blackburn, TRC

**Date:** December 2, 2009

**Subject:** **Site Visit Summary of Findings and Recommendations — Rancho Viejo, Webb County, Texas Proposed Landfill**

On November 2 and 3, 2009, TRC staff performed a site assessment that included a threatened and endangered species habitat assessment and waters of the U.S. jurisdictional determination, including an approximate wetland boundary assessment, at the proposed Rancho Viejo study area (Site) located in Webb County, Texas. For the purposes of this study, the Site was an area of approximately 1,200 acres located near the northeast corner of Rancho Viejo, as presented on an aerial photograph-based map (Figure 1). It should be noted that the wetland boundary assessment was conducted by the identification of hydrophytic vegetation and was not intended to satisfy the wetland criteria presented in the United States Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual; a wetland delineation in accordance with USACE guidelines would be required to accurately assess the presence and extent of wetlands located at the Site.

Prior to conducting fieldwork, TRC conducted a thorough review of existing site information including:

- U.S. Geological Survey. 7.5 minute quadrangle topographical map, Burrito Tank Quad, Webb County, Texas. 1988.
- Natural Resources Conservation Service. Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed October 30, 2009.
- Texas Parks and Wildlife Department (TPWD). Annotated County List of Rare Species, Webb County. Revised July 16, 2009. Accessed October 30, 2009.
- U.S. Fish and Wildlife Service (USFWS). National Wetland Inventory (NWI) Map, Webb County, Texas. 1989.

### **Threatened and Endangered Species Habitat Assessment**

The TPWD Annotated County List of Rare Species for Webb County was obtained to determine the potential for encountering any rare, threatened, or endangered species at the Site; the list of state and federally listed threatened and endangered species is provided as Attachment 1.



The Site is located within the Texas Tamaulipan Thornscrub component South Texas Plains Ecological Region of Texas. Comprised of mostly gently rolling or irregular plains, the region is cut by arroyos and streams, and covered with low-growing vegetation. Overgrazing, fire suppression and droughts have contributed to the spread of brush and the decrease of grasses. Soils are varied and complex, highly alkaline to slightly acidic, ranging from deep sands to clays and clay loams. Caliche outcroppings and gravel ridges are common. The vegetation is dominated by drought-tolerant, mostly small leaved, and often thorn-laden small trees and shrubs, especially legumes. The most dominant woody species is honey mesquite. Where conditions are suitable, there is a dense understory of smaller trees and shrubs such as brasil, colima or lime pricklyash, Texas persimmon, lotebush, granejo, kidneywood, coyotillo, Texas paloverde, anacahuita, and various species of cacti. Xerophytic brush species, such as blackbrush, guajillo, and cenizo are typical on the rocky, gravelly ridges and uplands. Mid and short grasses are common, including cane bluestem, silver bluestem, multiflowered false rhodesgrass, sideoats grama, pink pappusgrass, bristlegrass, lovegrasses, and tobosa (Gould, 1975).

Soils listed for the site include Aguilares sandy clay loam within uplands and ridges of the northwest portion of the site, Brundage fine sandy loam within the claypan prairies and arroyo drainages of the central and southern portion of the site, Catarina clay within grasslands and arroyo drainages of the central and southern portion of the site, and Montell clay within upland clay flats of the northeast portion of the site.

Observed habitat within and around the Site primarily consists of rangeland. Observed vegetation included honey mesquite, retama, kidneywood, tamarisk, yucca, guajillo, cenizo, prickly pear, tasajillo, saladillo, leatherstem, silver leaf nightshade, althorn, tornillo, seaside oxeye, Berlandier's wolfberry, rattlebox, Bermudagrass, King Ranch bluestem, buffalo grass, buffelgrass, white tridens, curly mesquite, sideoats grama, lovegrass, and tobosa.

Observed wildlife included Harris's hawks, red-eared sliders, and a number of songbirds. A state-listed threatened indigo snake was observed along the arroyo that separates the two tanks (Figure 1). Habitat for this species was identified along arroyos and within dense brush. Potential habitat for the state-threatened reticulate collared lizard, Texas horned lizard, and Texas tortoise was also identified. Respectively, these species occupy a variety of habits including the open-brush grasslands and thornscrub vegetation, sandy to rocky sparsely vegetated areas, and areas of open brush with grass understory that are present at the site.

Although Johnston's frankenia, a federally- and state-listed endangered plant, was not observed during the site assessment, potential habitat was identified correlating with the Montell clay soils and the dwarf shrublands on saline, alkalkine, calcareous, clayey to sandy soils of valley flats and rocky slopes. This area extends from the central two tanks, covering the northeast quadrant of the site.

## **Approximate Wetland Boundary Assessment**

Hydrology at the site is primarily influenced by precipitation and surface water runoff. The site contains a number of drainage features (i.e., arroyos) that originate from the north and northeast and convey surface water runoff into two large, centrally-located tanks. The northern of these two tanks collects surface water runoff from a system of drainages originating from the north while the southern of the two tanks collects water from a system of drainages originating from the northeast, as well as overflow and seepage from the northern tank. Overflow and seepage then outflow from the southern tank and eventually off-site. A second drainage feature originates off-site and conveys surface water runoff across the southeastern corner of the site.

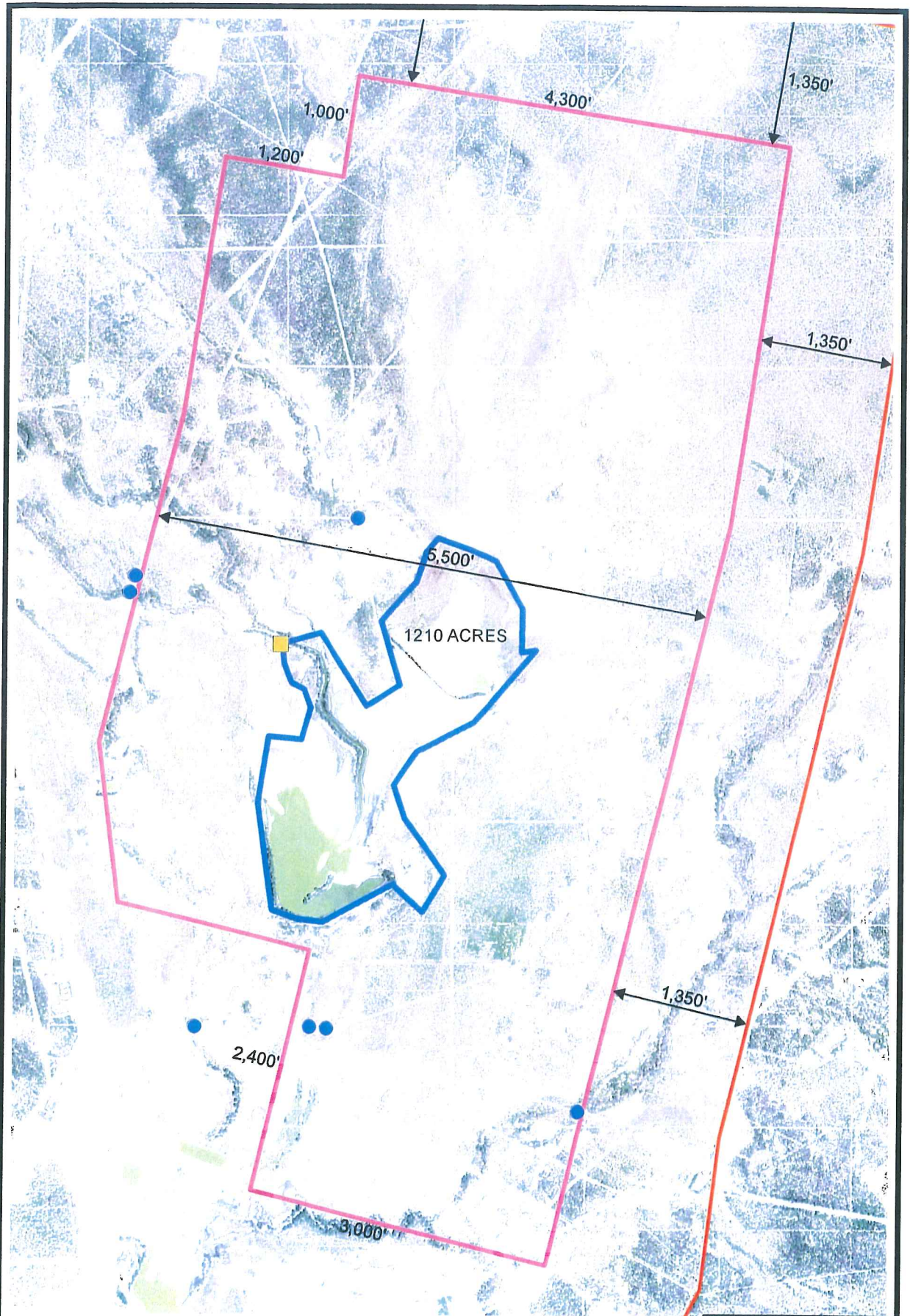
As previously mentioned, approximate wetland boundaries were identified by the presence of hydrophytic vegetation, which primarily included seaside oxeye and Berlandier's wolfberry (Figure 1). The combined area of the impounded tanks and potentially associated wetlands were conservatively estimated to be approximately 125 acres in size. The ordinary high water mark (OHWM) widths for the arroyos approximately ranged from 1 to 20 feet. It should be noted that several locations within the arroyos had no OHWMs and no tentatively identified wetlands exist within the arroyos except near the two tanks.

## **Recommendations**

Observations at the site indicated the presence of sensitive natural resources at the site including the state-listed, threatened indigo snake, potential habitat for other state-listed, threatened species (i.e., reticulate collared lizard, Texas horned lizard, and Texas tortoise), potential habitat for the federally- and state-listed, endangered Johnston's frankenia, and potential wetlands associated with the impounded tanks. Therefore, it is recommended that a jurisdictional waters of the U.S. and wetlands delineation be performed to determine the presence and jurisdictional limits of the potential wetlands and arroyos.

It is also recommended to perform a species-specific survey to determine the presence or absence of Johnston's frankenia in the areas that contain suitable habitat conditions for this species (i.e. northeast quadrant of the Site). A species-specific survey is likely to be required should any federal permits need to be obtained or federal funds utilized as part of the project.

Additionally, development of a management plan for the protection of the indigo snake, reticulate collared lizard, Texas horned lizard, and Texas tortoise is recommended. An example of the measures typically included in an indigo snake management plan is provided in Attachment 2. These measures are also likely to be sufficient for the reticulate collared lizard, Texas horned lizard, and Texas tortoise.



**Legend**

- Approximate Wetland Boundary
- Arroyo Crossings
- Indigo Snake Location

**SOURCE:**  
 1. USDA-FSA National Agricultural Imagery Program (NAIP) for Webb County, Texas (2008).



SITE MAP - BURRITO NO. 2	
<b>WEBB COUNTY, TEXAS</b>	
PROJECT NO.: 170401	DATE: 11/19/2009
305 EAST HUNTLAND DRIVE SUITE 200 AUSTIN, TEXAS 78752 512-329-6650	
FIGURE	1

**ATTACHMENT 1**

**Annotated County List of Rare Species –Webb County**



## WEBB COUNTY

### BIRDS

Federal Status      State Status

- |   |                                      |    |   |
|---|--------------------------------------|----|---|
| <b>American Peregrine Falcon</b>  | <i>Falco peregrinus anatum</i>       | DL | T |
| year-round resident and local breeder in west Texas, nests in tall cliff eyries; also, migrant across state from more northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.                    |                                      |    |   |
| <b>Arctic Peregrine Falcon</b>  | <i>Falco peregrinus tundrius</i>     | DL |   |
| migrant throughout state from subspecies' far northern breeding range, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.   |                                      |    |   |
| <b>Audubon's Oriole</b>   | <i>Icterus graduacauda audubonii</i> |    |   |
| scrub, mesquite; nests in dense trees, or thickets, usually along water courses   |                                      |    |   |
| <b>Baird's Sparrow</b>  | <i>Ammodramus bairdii</i>            |    |   |
| shortgrass prairie with scattered low bushes and matted vegetation; mostly migratory in western half of State, though winters in Mexico and just across Rio Grande into Texas from Brewster through Hudspeth counties   |                                      |    |   |
| <b>Common Black-Hawk</b>  | <i>Buteogallus anthracinus</i>       |    | T |
| cottonwood-lined rivers and streams; willow tree groves on the lower Rio Grande floodplain; formerly bred in south Texas  |                                      |    |   |
| <b>Interior Least Tern</b>  | <i>Sterna antillarum athalassos</i>  | LE | E |
| subspecies is listed only when inland (more than 50 miles from a coastline); nests along sand and gravel bars within braided streams, rivers; also know to nest on man-made structures (inland beaches, wastewater treatment plants, gravel mines, etc); eats small fish and crustaceans, when breeding forages within a few hundred feet of colony   |                                      |    |   |
| <b>Mexican Hooded Oriole</b>  | <i>Icterus cucullatus cucullatus</i> |    |   |
| scrub, mesquite; nests in dense trees, or thickets, usually along water courses   |                                      |    |   |
| <b>Mountain Plover</b>  | <i>Charadrius montanus</i>           |    |   |
| breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous   |                                      |    |   |
| <b>Peregrine Falcon</b>   | <i>Falco peregrinus</i>              | DL | T |
| both subspecies migrate across the state from more northern breeding areas in US and Canada to winter along coast and farther south; subspecies (F. p. anatum) is also a resident breeder in west Texas; the two subspecies' listing statuses differ, F.p. tundrius is no longer listed in Texas; but because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level; see subspecies for habitat. |                                      |    |   |
| <b>Sennett's Hooded Oriole</b>  | <i>Icterus cucullatus sennetti</i>   |    |   |

## WEBB COUNTY

### BIRDS

Federal Status      State Status

often builds nests in and of Spanish moss (*Tillandsia unioides*); feeds on invertebrates, fruit, and nectar; breeding March to August

**Western Burrowing Owl**      *Athene cunicularia hypugaea*

open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

**Wood Stork**      *Mycteria americana*      T

forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960

### FISHES

Federal Status      State Status

**Blue sucker**      *Cycorepus elongatus*      T

larger portions of major rivers in Texas; usually in channels and flowing pools with a moderate current; bottom type usually of exposed bedrock, perhaps in combination with hard clay, sand, and gravel; adults winter in deep pools and move upstream in spring to spawn on riffles

**Headwater catfish**      *Ictalurus lupus*

originally throughout streams of the Edwards Plateau and the Rio Grande basin, currently limited to Rio Grande drainage, including Pecos River basin; springs, and sandy and rocky riffles, runs, and pools of clear creeks and small rivers

**Rio Grande darter**      *Etheostoma grahamsi*      T

Rio Grande and lower Pecos River basins; gravel and rubble riffles of creeks and small rivers; spawns in the winter

**Rio Grande shiner**      *Notropis jemezianus*

Rio Grande and upper Pecos River basins; large, open, weedless rivers or large creeks with bottom of rubble, gravel and sand, often overlain with silt

**Rio Grande silvery minnow**      *Hybognathus amarus*      LE      E

extirpated; historically Rio Grande and Pecos River systems and canals; reintroduced in Big Bend area; pools and backwaters of medium to large streams with low or moderate gradient in mud, sand, or gravel bottom; ingests mud and bottom ooze for algae and other organic matter; probably spawns on silt substrates of quiet coves

### INSECTS

Federal Status      State Status

**Neojuvencile tiger beetle**      *Cicindela obsoleta neojuvencilis*

bare or sparsely vegetated, dry, hard-packed soil; typically in previously disturbed areas; peak adult activity in Jul



## WEBB COUNTY

### MAMMALS

Federal Status      State Status

<b>Black bear</b>	<i>Ursus americanus</i>	T/SA;NL	T
bottomland hardwoods and large tracts of inaccessible forested areas; due to field characteristics similar to Louisiana Black Bear (LT, T), treat all east Texas black bears as federal and state listed Threatened			
<b>Cave myotis bat</b>	<i>Myotis velifer</i>		
colonial and cave-dwelling; also roosts in rock crevices, old buildings, carports, under bridges, and even in abandoned Cliff Swallow ( <i>Hirundo pyrrhonota</i> ) nests; roosts in clusters of up to thousands of individuals; hibernates in limestone caves of Edwards Plateau and gypsum cave of Panhandle during winter; opportunistic insectivore			
<b>Davis pocket gopher</b>	<i>Geomys personatus davisi</i>		
burrows in sandy soils in southern Texas			
<b>Ghost-faced bat</b>	<i>Mormoops megalophylla</i>		
colonially roosts in caves, crevices, abandoned mines, and buildings; insectivorous; breeds late winter-early spring; single offspring born per year			
<b>Gray wolf</b>	<i>Canis lupus</i>	LE	E
extirpated; formerly known throughout the western two-thirds of the state in forests, brushlands, or grasslands			
<b>Jaguarundi</b>	<i>Herpailurus yaguarondi</i>	LE	E
thick brushlands, near water favored; 60 to 75 day gestation, young born sometimes twice per year in March and August, elsewhere the beginning of the rainy season and end of the dry season			
<b>Ocelot</b>	<i>Leopardus pardalis</i>	LE	E
dense chaparral thickets; mesquite-thorn scrub and live oak mottes; avoids open areas; breeds and raises young June-November			
<b>Plains spotted skunk</b>	<i>Spilogale putorius interrupta</i>		
catholic; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie			
<b>White-nosed coati</b>	<i>Nasua narica</i>		T
woodlands, riparian corridors and canyons; most individuals in Texas probably transients from Mexico; diurnal and crepuscular; very sociable; forages on ground and in trees; omnivorous; may be susceptible to hunting, trapping, and pet trade			
<b>Yuma myotis bat</b>	<i>Myotis yumanensis</i>		
desert regions; most commonly found in lowland habitats near open water, where forages; roosts in caves, abandoned mine tunnels, and buildings; season of partus is May to early July; usually only one young born to each female			

### MOLLUSKS

Federal Status      State Status

<b>False spike mussel</b>	<i>Quincuncina mitchelli</i>		
---------------------------	------------------------------	--	--

## WEBB COUNTY

### MOLLUSKS

Federal Status      State Status

substrates of cobble and mud, with water lilies present; Rio Grande, Brazos, Colorado, and Guadalupe (historic) river basins

**Mexican fawnsfoot mussel**      *Truncilla cognata*

largely unknown; possibly intolerant of impoundment; possibly needs flowing streams and rivers with sand or gravel bottoms based on related species needs; Rio Grande basin

**Salina mucket**      *Potamilus metnecktayi*

lotic waters; submerged soft sediment (clay and silt) along river bank; other habitat requirements are poorly understood; Rio Grande Basin

**Texas hornshell**      *Popenaias popeii*      C

both ends of narrow shallow runs over bedrock, in areas where small-grained materials collect in crevices, along river banks, and at the base of boulders; not known from impoundments; Rio Grande Basin and several rivers in Mexico

### REPTILES

Federal Status      State Status

**Indigo snake**      *Drymarchon corais*      T

Texas south of the Guadalupe River and Balcones Escarpment; thornbush-chaparral woodlands of south Texas, in particular dense riparian corridors; can do well in suburban and irrigated croplands if not molested or indirectly poisoned; requires moist microhabitats, such as rodent burrows, for shelter

**Reticulate collared lizard**      *Crotaphytus reticulatus*      T

requires open brush-grasslands; thorn-scrub vegetation, usually on well-drained rolling terrain of shallow gravel, caliche, or sandy soils; often on scattered flat rocks below escarpments or isolated rock outcrops among scattered clumps of prickly pear and mesquite

**Spot-tailed earless lizard**      *Holbrookia lacerata*

central and southern Texas and adjacent Mexico; moderately open prairie-brushland; fairly flat areas free of vegetation or other obstructions, including disturbed areas; eats small invertebrates; eggs laid underground

**Texas horned lizard**      *Phrynosoma cornutum*      T

open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September

**Texas tortoise**      *Gopherus berlandieri*      T

open brush with a grass understory is preferred; open grass and bare ground are avoided; when inactive occupies shallow depressions at base of bush or cactus, sometimes in underground burrows or under objects; longevity greater than 50 years; active March-November; breeds April-November

### PLANTS

Federal Status      State Status

**Ashy dogweed**      *Thymophylla tephroleuca*      LE      E



## WEBB COUNTY

### PLANTS

Federal Status      State Status

Texas endemic; grasslands with scattered shrubs; most sites on sands or sandy loams on level or very gently rolling topography over Eocene strata of the Laredo Formation; flowering March-May depending to some extent on rainfall

**Johnston's frankenia**

*Frankenia johnstonii*

LE-PDL

E

dwarf shrublands on strongly saline, highly alkaline, calcareous or gypseous, clayey to sandy soils of valley flats or rocky slopes; mapped soils at many sites are of the Catarina and/or Maverick Series, other mapped soils include Copita, Brennan, Zapata, and Montell series; most sites are underlain by Eocene sandstones and clays of the Jackson Group or the Yegua and Laredo formations; a few are underlain by El Pico clay or the Catahoula and Frio formations shrublands; flowering throughout the growing season depending upon rainfall

**Kleberg saltbush**

*Atriplex klebergorum*

Texas endemic; usually occurs in sparsely vegetated saline areas, including flats and draws; in light sandy or clayey loam soils with other halophytes; occasionally observed on scraped oil pad sites; observed flowering in late August-early September, but may vary with rainfall, fruits are usually present in fall; because of its annual nature, populations fluctuate widely from year to year

**Mccart's whitlow-wort**

*Paronychia maccartii*

Texas endemic; known only from type specimen, substrate at type location described as "very hard-packed red sand", sand is probably of the Cuevitas-Randado Association; flowering period uncertain, type specimen collected in March in flower

**Nickel's cory cactus**

*Coryphantha nickelsiae*

Limestone outcrops and nearby alluvial or gravelly soils on hills or plains in grasslands or shrublands at low elevations; known sites in Mexico have been described as Chihuahuan Desert scrub; flowering August through September

## **ATTACHMENT 2**

### **Example Protection Measures for the Indigo Snake**

### **Example Protection Measures for Indigo Snake**

An indigo snake protection/education plan shall be developed by the applicant for all construction personnel to follow. The plan should be provided to the Texas Parks and Wildlife Department (TPWD) for review at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:

1. Description of the eastern indigo snake, its habits, and protection under state law;
2. Instructions not to injure, harm, harass or kill this species;
3. Directions to cease clearing activities and allow the snake sufficient time to move away from the site on its own before resuming clearing; and
4. Telephone numbers of pertinent agencies to be contacted if a dead indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.

Other measures for the protection of this species may result from the development of the protection and development plan.

**Attachment B**

**TxDOT Coordination**

**Attachment C**

**Texas Historical Commission Review Letter**



505 East Huntland Drive  
Suite 250  
Austin, TX 78752

512.329.6080 PHONE  
512.329.8750 FAX

www.TRCsolutions.com

March 28, 2011

Texas Historical Commission  
P.O. Box 12276  
Austin, Texas 78711-2276

**Reference: Rancho Viejo Waste Management, LLC - Municipal Solid Waste Landfill  
Laredo, Webb County, Texas**

Dear Historical Commission Staff Member:

Rancho Viejo Waste Management, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit for a municipal solid waste landfill to be located approximately 18 miles east of Laredo and about 5 miles north of State Highway 359 in Webb County, Texas.

TCEQ regulations [30 TAC 330.61(o)] require documentation of coordination with your agency regarding historical sites and cultural resources. The purpose of this letter is to inform you of the proposed solid waste landfill facility and request your response indicating that the facility as proposed will not conflict with established historical sites or known cultural resources sites. The applicant is under a strict deadline to file your response, so we would appreciate receiving it as soon as possible.

A location map showing the proposed landfill with respect to readily identifiable features is enclosed to assist in your determination.

Please contact me if you have any questions. We look forward to your response.

Very truly yours,



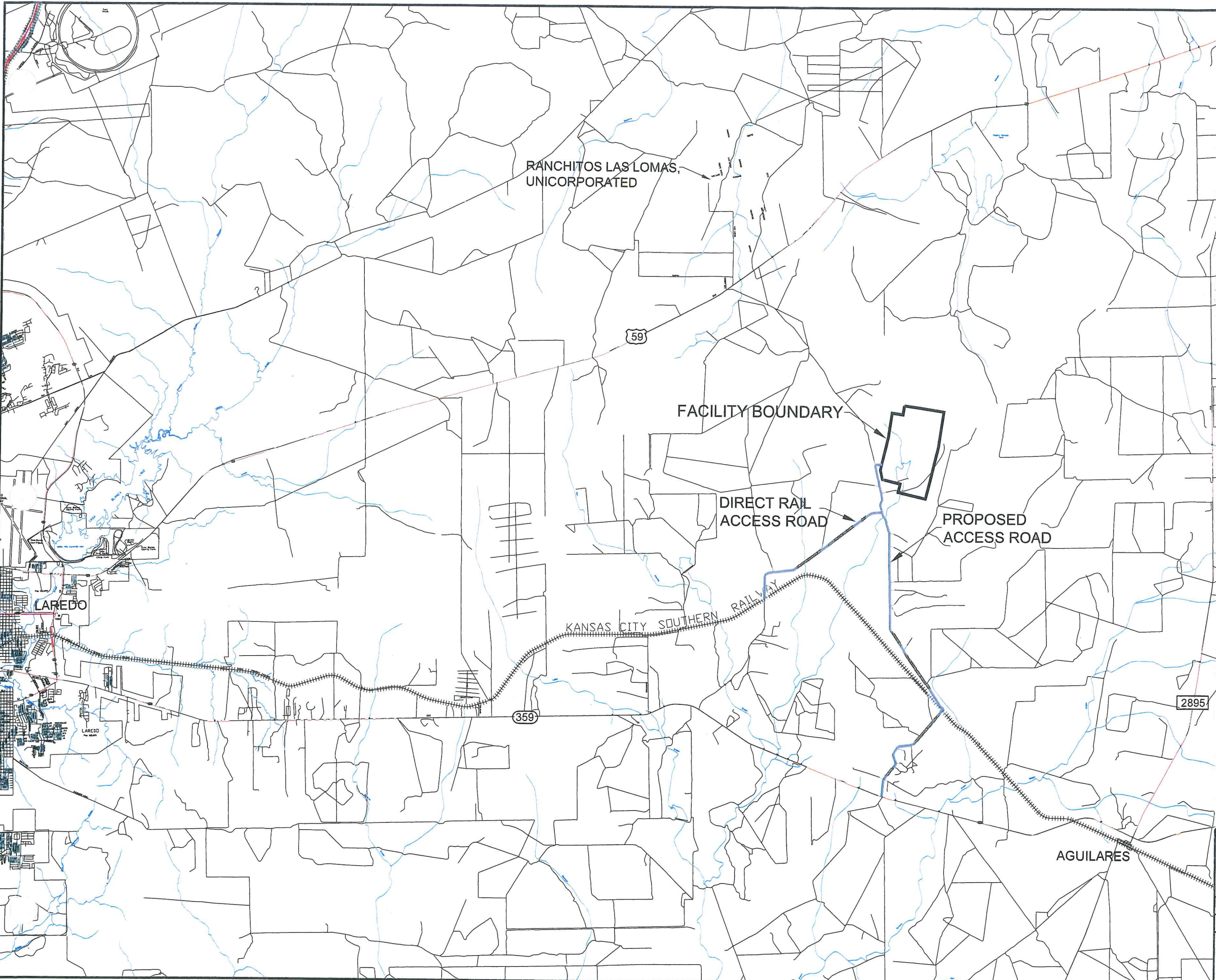
James F. Neyens, P.E.  
TBPE Firm Registration No. F-3775



03/28/2011



\\s01\c01\proj\170401-MSW-1-1.dwg Layout1 02/22/11



**LEGEND**

	PRIMARY HIGHWAY
	SECONDARY OR RANCH ROAD
	ALL-WEATHER ACCESS ROAD
	RIVER OR STREAM
	RAILROAD TRACK
	PROPERTY BOUNDARY OF THE FACILITY

*James Nguyen*



03/28/2011

- NOTES:**
1. SOURCE: TXDOT URBAN FILES FOR WEBB COUNTY (2003).
  2. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.



SCALE IN MILES  
1/2" = 1 mile

GENERAL LOCATION MAP		
PESCADITO ENVIRONMENTAL RESOURCE CENTER MSW PERMIT NO. XXXX WEBB COUNTY, TEXAS		
PROJECT NO.	170401	DWG FILE 170401-MSW-1-1
DRAWN BY.	CL	DATE 02/14/11
	505 EAST HUNTLAND DRIVE SUITE 250 AUSTIN, TEXAS 78752 (512) 329-6080	FIGURE 1 PART I PAGE XX

**Attachment D**

**Cultural Resources Review**



**To:** James Neyens, P.E., TRC

**From:** Kendra G. DuBois, TRC

**Date:** October 23, 2009

**Subject: Proposed Land Fill Webb County, Texas**

This cultural resources file search was performed as part of the completion of a Texas Commission on Environmental Quality permit application (§330.61). The Texas Historical Commission Archeological Sites Atlas was utilized to conduct the search. The Area of Potential Effect (APE), a 1210-acre parcel designated for the proposed land fill, has never been surveyed for cultural resources (see Figure 1). Thus, the presence of such resources within the APE is unknown. In addition, there are no archeological sites, historical markers, historic places on the national register, or cemeteries documented on the THC Archeological Sites Atlas inside of the APE or within a one-mile radius of the APE.

**Attachment E**

**Local Agency Coordination**



505 East Huntland Drive  
Suite 250  
Austin, TX 78752

512.329.6080 PHONE  
512.329.8750 FAX

www.TRCSolutions.com

March 28, 2011

John Keiser, Program Manager  
Solid Waste Program  
South Texas Development Council  
1002 Dickey Lane  
Laredo, Texas 78043-4237

**Reference: Proposed Rancho Viejo Waste Management, LLC – Municipal Solid Waste Landfill - Laredo, Webb County, Texas**

Dear Mr. Keiser:

Rancho Viejo Waste Management, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit for a proposed Type I municipal solid waste landfill to be located approximately 18 miles east of Laredo, Texas. A copy of Parts I and II of the application, including maps showing the location of the proposed facility, is enclosed for your review. James F. Neyens, P.E. is the consulting engineer for the applicant.

The proposed landfill will receive an initial average of 1,000,000 tons per year of municipal solid waste and non-hazardous industrial waste. Ultimately, the facility may receive an average of 2,000,000 tons of waste per year. Most of this waste will be brought to the site by rail, contained within intermodal shipping containers such as those used by other rail-served landfills in the U.S. The site is located less than 2 miles from the Kansas City Southern Railroad main line and we anticipate having a rail siding to accommodate waste shipments in the future. The landfill will also provide another alternative for the solid waste disposal needs of the City of Laredo. As indicated in the application, the facility also intends to provide disposal of grease and grit trap wastes from the Laredo area, and to process mixed recyclable materials to produce marketable commodities that will be returned to beneficial use.

TCEQ regulations [30 TAC 330.61(p)] require a demonstration of compliance with the regional solid waste plan that was developed under the leadership of your agency. The purpose of this letter is to inform you of the proposed landfill and request your response indicating that the landfill as proposed will be in compliance with the regional solid waste plan.

Very truly yours,

James F. Neyens, P.E.  
TBPE Firm No. F-3775



03/28/2011



505 East Huntland Drive  
Suite 250  
Austin, TX 78752

512.329.6080 PHONE  
512.329.8750 FAX

www.TRCSolutions.com

March 28, 2011

Rhonda Tiffin, Director  
Webb County Planning Department  
1110 Washington Street, Suite 302  
Laredo, Texas 78040

**Reference: Proposed Rancho Viejo Waste Management, LLC**  
**Municipal Solid Waste Facility**  
**Laredo, Webb County, Texas**

Dear Ms. Tiffin:

Rancho Viejo Waste Management, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit for a proposed municipal solid waste management facility and landfill to be located on its ranch approximately 18 miles east of Laredo. TRC Environmental Corporation (TRC) is the consulting engineer for this project.

TCEQ regulations require a demonstration of coordination with the local governmental units that may have a local solid waste management plan. The purpose of this letter is to inform you of the proposed facility, request your response indicating whether Webb County has a local solid waste plan, and if it does, whether the proposed municipal solid waste management facility and landfill will be in compliance with this plan. We would appreciate receiving confirmation to this effect as soon as possible.

We would be pleased to provide you additional information about the proposed facility if Webb County does have a local solid waste plan and you need this information to consider the facility's conformance to this plan.

Please contact me if you have any questions. We look forward to your response.

Very truly yours,

James F. Neyens, P.E.  
TBPE Firm No. F-3775



03/28/2011





**DANNY VALDEZ**  
WEBB COUNTY JUDGE

April 13, 2011

Pescadito Environmental Resource Center  
Attn: Carlos Y. Benavides

Re: Letter of Support, Pescadito Environmental Resource Center

Dear Mr. Benavides:

This letter is in support of the future development of the Pescadito Environmental Resource Center, a proposed state-of-the-art solid waste management facility in Webb County, Texas. The continued population growth and economic development of Webb County requires infrastructure to meet its future needs, including proper management of solid waste. While Webb County needs an environmentally secure landfill, we recognize that landfill disposal alone is not the answer for the future. A landfill should be employed only for those wastes that cannot be recycled or put to some beneficial re-use.

We find that the Pescadito Environmental Resource Center offers Webb County a long term solid waste management facility that will include comprehensive recycling in a location that is both environmentally well-suited and compatible with surrounding land use. Because the facility is proposed to be served by rail, it can serve a broad region without causing impacts to Webb County traffic or its residential communities. Furthermore, the facility will provide significant direct economic impacts, including long-term employment, payroll and taxes. The County of Webb supports the benefits of this proposed project:

Sincerely,

A handwritten signature in blue ink that reads "Danny Valdez".

Danny Valdez  
Webb County Judge

xc: Webb County Commissioner's Court

**Attachment F**

**Federal Aviation Administration Coordination**



505 East Huntland Drive  
Suite 250  
Austin, TX 78752

512.329.6080 PHONE  
512.329.8750 FAX

[www.TRCSolutions.com](http://www.TRCSolutions.com)

May 11, 2011

Airport Safety Programs Manager – Federal Aviation Administration  
Southwest Region Headquarters  
2601 Meacham Blvd.  
Fort Worth, TX 76193-4298

**Reference: Coordination with FAA Regarding Airport Safety  
Proposed New Municipal Solid Waste Facility  
Pescadito Environmental Resource Center, Laredo, Webb County, Texas**

To Whom It May Concern:

TRC was retained by Rancho Viejo Waste Management, LLC to prepare an application for a new municipal solid waste (MSW) landfill on an 1,110-acre site located about 18 miles east of Laredo in Webb County, Texas. This application is being submitted to the Texas Commission on Environmental Quality (TCEQ) under rules found in Title 30 of the Texas Administrative Code, Chapter 330 (30 TAC §330).

Rule §330.61 (i) (5) requires that we submit documentation of coordination with the Federal Aviation Administration (FAA) regarding airport safety. Copies of this letter and your response will provide this documentation.

We are also required to document compliance with §330.545, and are enclosing a copy of this rule to assist you in responding to us. Accordingly we request the following:

1. Please confirm that the proposed site is more than 10,000 feet from any airport runway end used by turbojet aircraft and more than 5,000 feet from any airport runway end used by piston-type aircraft, and
2. Please identify for us the name, contact information, and location of any small general service airport that has a runway end within six miles of this site, and any large general service airport that has a runway end within five miles of this site, so that we can notify such airports as required by §330.545 (b).

FAA  
May 13, 2011  
Page 2

Enclosed is a location map that shows the facility boundary with respect to the City of Laredo and various highways. The site is located at 27.559 degrees North Latitude and 99.160 degrees West Longitude.

Please direct your response to me, and contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "James F. Neyens". The signature is written in a cursive, flowing style.

James F. Neyens, P.E.  
Project Manager



(B) For any vertical expansion, the owner or operator shall establish and maintain a 125-foot buffer zone. A vertical expansion is any height increase that exceeds the maximum permitted final contour for any cell or unit for which an increase is requested. For a vertical expansion, the buffer distance must be measured from the outermost edge of the newly permitted solid waste disposal airspace.

(C) For any lateral expansion to areas not previously permitted, the owner or operator shall establish and maintain a 125-foot buffer zone. For a lateral expansion, the buffer distance must be measured from the edge of the horizontally expanded portion of the landfill.

(D) For vertical or lateral expansions of existing landfills, the new buffer zone requirements shall apply only to newly permitted airspace and shall not apply to any previously permitted airspace, regardless of whether or not the previously permitted airspace has been constructed or filled with solid waste. The new buffer zone may include any previously permitted airspace.

(3) The executive director may consider alternatives to buffer zone requirements in paragraph (2) of this subsection. Alternatives may be approved where the owner or operator demonstrates that:

(A) the prescribed buffer zone standard is not feasible; and

(B) there is a specific engineered design alternative that:

(i) is consistent with the performance goal of providing a visual screening of solid waste processing and disposal activities;

(ii) affords ready access for emergency response, maintenance, and monitoring;

(iii) affords equivalent control of odors and windblown waste as the prescribed buffer zone; and

(iv) provides sufficient distance to meet the drainage and sediment control requirements applicable to the facility.

Adopted March 1, 2006

Effective March 27, 2006

**§330.545. Airport Safety.**

(a) Owners or operators of new municipal solid waste landfill units, existing municipal solid waste landfill units, vertical or lateral expansions, and landfill mining operations that are located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft shall demonstrate that the units are designed and operated so that the municipal solid waste landfill unit does not pose a bird hazard to aircraft.

(b) Owners or operators proposing to site new municipal solid waste landfill units and lateral expansions located within a six-mile radius of any small general service airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration. Owners or operators proposing to site new municipal solid waste landfill units and lateral expansions located within a five-mile radius of any large general public commercial airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration.

(c) The owner or operator shall submit the demonstration in subsection (a) of this section with a permit application or a permit amendment application. The demonstration will be considered a part of the operating record once approved.

(d) Landfills disposing of putrescible waste shall not be located in areas where the attraction of birds can cause a significant bird hazard to low-flying aircraft. Guidelines regarding location of landfills near airports can be found in Federal Aviation Administration Order 5200.5(A), January 31, 1990. All landfill facilities within a six-mile radius of any small general service airport runway or within a five-mile radius of any large general public commercial airport runway shall be critically evaluated to determine if an incompatibility exists.

Adopted March 1, 2006

Effective March 27, 2006

**§330.547. Floodplains.**

(a) No solid waste disposal operations shall be permitted in areas that are located in a 100-year floodway as defined by the Federal Emergency Management Administration.

(b) New municipal solid waste management units, existing municipal solid waste units, and lateral expansions located in 100-year floodplains shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment.

(c) Municipal solid waste storage and processing facilities shall be located outside of the 100-year floodplain unless the owner or operator can demonstrate that the facility is designed and will operate to prevent washout during a 100-year storm event, or obtains a conditional letter of map amendment from the Federal Emergency Management Administration administrator.

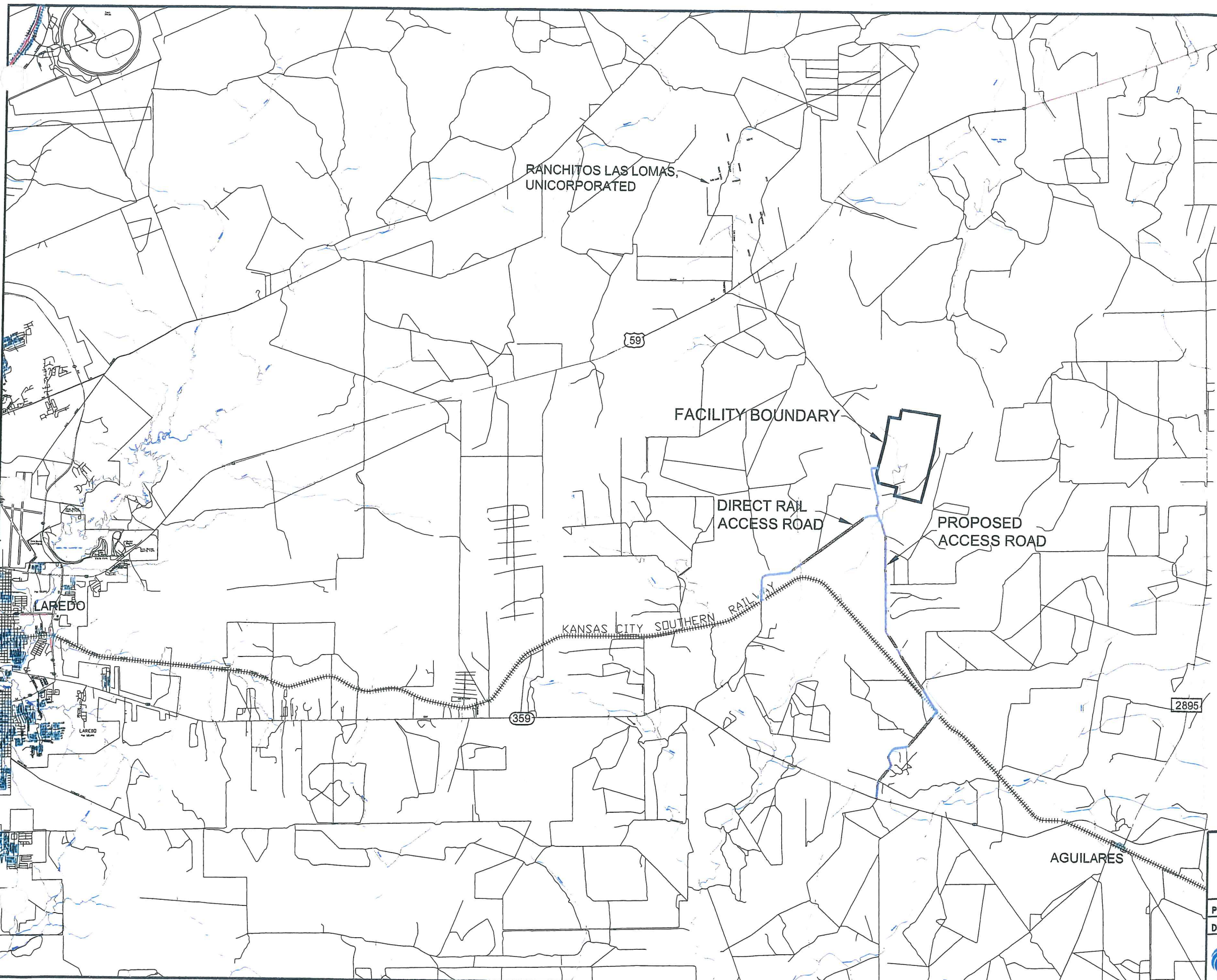
Adopted March 1, 2006

Effective March 27, 2006

**§330.549. Groundwater.**

(a) If located over the recharge zone of the Edwards Aquifer, a municipal solid waste facility is subject to Chapter 213 of this title (relating to Edwards Aquifer). The Edwards Aquifer Recharge Zone is specifically that area delineated on maps maintained by the executive director. In accordance with §213.8(a)(5) of this title (relating to Prohibited Activities), a Type I or Type IAE landfill is prohibited on the recharge zone of the Edwards Aquifer.

\\s01\proj\170401-MSW-1-1.dwg Layout1 02/22/11



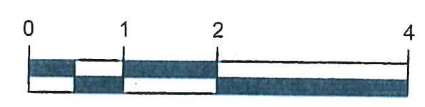
**LEGEND**

	PRIMARY HIGHWAY
	SECONDARY OR RANCH ROAD
	ALL-WEATHER ACCESS ROAD
	RIVER OR STREAM
	RAILROAD TRACK
	PROPERTY BOUNDARY OF THE FACILITY

*James A. Reyes*

03/28/2011

- NOTES:**
1. SOURCE: TXDOT URBAN FILES FOR WEBB COUNTY (2003).
  2. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.



SCALE IN MILES  
1/2" = 1 mile

GENERAL LOCATION MAP			
PESCADITO ENVIRONMENTAL RESOURCE CENTER MSW PERMIT NO. XXXX WEBB COUNTY, TEXAS			
PROJECT NO.	170401	DWG FILE	170401-MSW-1-1
DRAWN BY.	CL	DATE	02/14/11
			FIGURE 1
505 EAST HUNTLAND DRIVE SUITE 250 AUSTIN, TEXAS 78752 (512) 329-6080			PART I
			PAGE XX