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February 24, 2012

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

**Reference: Pescadito Environmental Resource Center – Webb County
Municipal Solid Waste (MSW) – Proposed Permit No. 2374
Supplemental Response to Third Notice of Deficiency (NOD)
Tracking No. 14669041 (15112142) & 12128061; CN603835489/RN106119639**

Dear Ms. McCaine:

On behalf of Rancho Viejo Waste Management, LLC, I am pleased to submit an original and three copies of the permit application revisions in response to your continued technical review of the referenced MSW permit application. Comments summarizing our individual revisions follow in the order listed in your January 18, 2012 letter. We are enclosing a new signature page that is signed, dated, and notarized. Individual pages are hole-punched for insertion into three-ring binders. To facilitate review, we have repeated below TCEQ's NOD comments in italicized font and employed a standard font for our responses.

1. *(Item 14 from NOD #2) The requirement in Title 30 of the Texas Administrative Code (30 TAC) Section (§)330.61(b)(1)(B), addressing the maximum and average lengths of time that solid waste is to remain at the facility, pertains to the grease and grit trap processing facility. However, along with adding this information about the grease and grit trap operation, you added a statement about storage time for wastes to be disposed in the landfill. Either remove the language about storing waste prior to landfilling or identify the implied storage facility throughout the Parts I & II application text and drawings.*

We have removed the statement regarding storage time for waste to be disposed in the landfill from Part II, page 13.

2. *(Items 23 & 24 from NOD #2) Information added to Part II Section 2.1 Waste Acceptance Plan – General, that includes specifics on the geologic setting 1,000-plus feet underneath the site, must be sealed by a Professional Geoscientist as required by the Texas Geoscience Practice Act, §16.13(b), and in accordance with 22 TAC §851.156 (relating to Geoscientist's Seals). Therefore, please seal the information in this section.*

Furthermore, please identify the source for the information such as site specific data, published data, etc., including detailed descriptions.

We have revised Part II, Section 2 to create subsection 2.4, which includes the reference to the geologic section. That subsection has been sealed by the professional geologist. Information about the sources of the data in subsection 2.4 was added on pages 11 and 12.

- 3. (Item 26 from NOD #3) Please incorporate the statement which appears in your response letter, that all existing features will be included in the pre-project conditions analysis, into Part II Section 13.0.*

A statement attesting that all existing features will be included in the pre-project conditions analysis was added to Part II, Section 13.0, page 36.

- 4. Please state in your NOD response that the application changes transmitted with the letter dated December 23, 2011, will be included under the signature page to be submitted with that response.*

The application change transmitted by letter dated December 23, 2011 is included under the signature page in this response. This change consists of the addition of a sentence to Part II, Section 16.0, page 40, and the addition of a response letter from the South Texas Development Council (STDC). A copy of that response is enclosed to be part of Part II, Attachment E. Please note that STDC not only confirms that the proposed facility conforms to the regional solid waste plan, but also states that the proposed facility appears to be compatible with the general land use in the area.

We believe this response and the revisions to the referenced permit application are fully responsive to your request for addition information dated January 18, 2012. We further believe this response is consistent with the applicable rules.

Please contact me if you have any questions.

Very truly yours,



James F. Neyens, P.E.

cc: TCEQ-Laredo Region Office

Enclosure:

1. Cover
2. Part I Form, page 10
3. Permit Application dated February 17, 2012 – Final (partial)
4. Permit Application dated February 17, 2012 – Track Changes (partial)
5. Attachment E – STDC Response



APPLICATION FOR PERMIT

TYPE I MUNICIPAL SOLID WASTE FACILITY

MSW PERMIT NO. 2374

**PESCADITO ENVIRONMENTAL
RESOURCE CENTER**

RANCHO VIEJO WASTE MANAGEMENT, LLC

SOLID WASTE DISPOSAL FACILITY

LAREDO, WEBB COUNTY, TEXAS

March 28, 2011
Revised May 20, 2011
Revised September 14, 2011
Revised December 14, 2011
Revised February 17, 2012

Prepared By:



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

TRC Environmental Corporation
TBPE Firm Registration No. 3775

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: *Carlos Y. Benavides, III* Date: 2/13/2012

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 13th day of FEBRUARY, 2012

My commission expires on the 29th day of JUNE, 2014



Martha Salinas
Notary Public in and for

WEBB County, Texas

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

PART II
APPLICATION FOR PERMIT
TYPE I MUNICIPAL SOLID WASTE FACILITY
MSW PERMIT NO. 2374
PESCADITO ENVIRONMENTAL
RESOURCE CENTER
SOLID WASTE MANAGEMENT AND
DISPOSAL FACILITY
RANCHO VIEJO WASTE MANAGEMENT, LLC
LAREDO, WEBB COUNTY, TEXAS

March 28, 2011
Revised May 20, 2011
Revised September 14, 2011
Revised December 14, 2011
Revised February 17, 2012

Sections 1.1, 1.2, 2.1.4, 10.1—10.4,
11.1

Prepared By:

Except for 1.1, 1.2, 2.1.4, 10.1—10.4,
11.1



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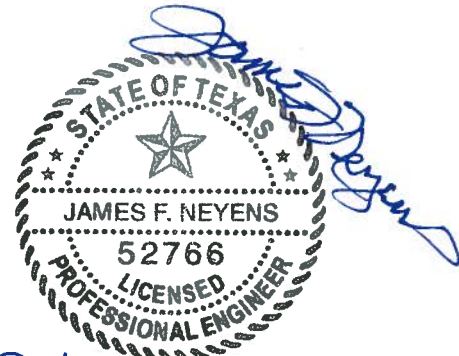
Rancho Viejo Waste Management, LLC
March 28, 2011 Revised 5/20/11; 9/14/11; 12/14/11



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Part II

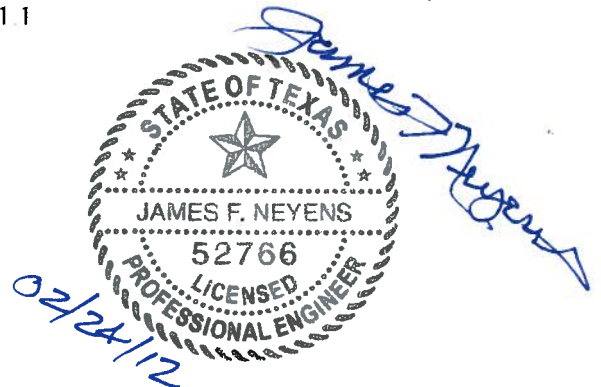
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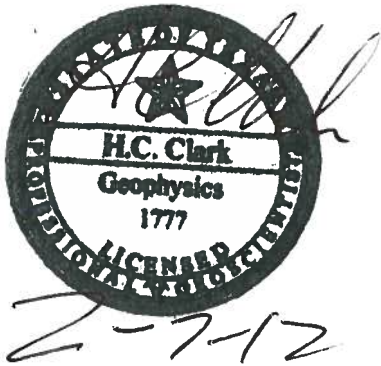
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2.0 WASTE ACCEPTANCE PLAN [330.61 (b)]

2.1 General

2.1.1 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. Design considerations will be made to ensure that storm water and wastewater management are in compliance with TCEQ regulations. All contaminated liquids resulting from the operation of the facility will be disposed of in a manner that will not cause surface water or groundwater pollution. 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.

2.1.2 General Prohibitions- The following wastes will not be accepted for landfill disposal at this facility:

- (1) Lead acid storage batteries.
- (2) Do-it-yourself used motor vehicle oil
- (3) Used oil filters from internal combustion engines.
- (4) Whole used or scrap tires, unless processed prior to disposal in a manner acceptable to the executive director.
- (5) Refrigerators, freezers, air conditioners, and any other items containing chlorinated fluorocarbon (CFC).
- (6) Liquid waste, except as allowed in 30 TAC §330.177 (relating to Leachate and Gas Condensate Recirculation), and/or except household liquid waste as allowed by 30 TAC §330.15(e)(6) will not be accepted for disposal in any MSW landfill unit.
- (7) Regulated hazardous waste as defined in 30 TAC §330.3.
- (8) Polychlorinated biphenyls (PCB) wastes, as defined under 40 Code of Federal Regulations Part 761, unless authorized by the United States Environmental Protection Agency and the MSW permit.
- (9) Radioactive materials as defined in 30 TAC Chapter 336 (relating to Radioactive Substance Rules), except as authorized in Chapter 336 or that are subject to an exemption of the Department of State Health Services.

2.1.3 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. Grease and grit trap wastes will be accepted for processing from commercial sources (restaurants, fast food facilities, car wash and vehicle maintenance facilities), industrial sources (food processing plants, manufacturing plants) and institutional sources (hospitals, schools, prisons). Class I Industrial Waste amounts will not exceed 20 percent of the total amount of all waste accepted for disposal. Special design considerations will be made in accordance with 30 TAC §330.173 to properly manage any Class I waste that is proposed to be accepted for disposal at the landfill. 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.

Class I Industrial Waste will be disposed only in landfill cells lined with the industrial waste default design composite liner. The upper component shall consist of a minimum 30-mil (0.75 mm) flexible membrane liner and the lower component shall consist of at least a three-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. Flexible membrane liner components consisting of high density polyethylene shall be at least 60-mil thick. The flexible membrane liner component shall be installed in direct and uniform contact with the compacted soil component. Class I Industrial Waste cells shall have a leachate-collection system designed and constructed to maintain less than a 30-cm depth of leachate over the liner.

2.1.4 Soil and Groundwater – The soils encountered during drilling and described in the literature are dominantly clays. While the bottom and sides of the landfill excavation could encounter thin, isolated sand/silt units with a Unified Soil Classification of “SM” or “SP,” these soil units do not appear to be sufficiently thick and laterally continuous to provide a significant pathway for waste migration. In addition, most of these units will not exhibit hydraulic conductivity greater than 1×10^{-5} cm/sec. However, any effect of the sand/silt units is minimized because the average annual evaporation exceeds average annual rainfall by more than 40 inches. The nearest “regional aquifer” is located approximately 1,000 feet below the site, according to regional cross-sections, the literature, geophysical log data obtained from the ranch water well located 900 feet from the facility, and geophysical log interpretations for gas wells in the site area. The ranch water well produces water from that depth. As a consequence of the prevailing soil

conditions, the aquifer is protected by many hundred feet of low-permeability, clay-rich soil. References include Baker, Barnes and Lonsdale in Section 10.0.

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.

Sources of non-industrial waste that are intended to be managed at the proposed facility include local governmental entities (cities, towns, waste management districts or authorities, and counties), state institutions, federal agencies that generate waste from disaster response, commercial solid waste collection companies, and similar generators of municipal solid waste. Wastes to be received other than industrial waste can be characterized as garbage, rubbish, ashes, street sweepings, incidental dead animals, and non-recyclable residuals following the removal of recyclables from source-separated recyclable materials. Solids resulting from processing grease and grit trap wastes may also be disposed in the landfill.

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, and the population equivalent represented by these quantities:

Year 1 – 1,000,000 tons	(1.1 million)
Year 2 – 1,200,000 tons	(1.3 million)
Year 3 – 1,400,000 tons	(1.6 million)
Year 4 – 1,600,000 tons	(1.75 million)
Year 5 – 1,800,000 tons	(2.0 million)

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.

The grease and grit trap (G&G) waste processing facility is expected to receive a maximum of 30,000 gallons per day in the first year of operation. The maximum and average lengths of time this waste will remain at the facility prior to disposal, are summarized in the following table. G&G waste will typically be delivered in commercial vacuum trucks and off-loaded into a series of storage tanks. This waste will be transferred to mixing tanks for processing, where treatment chemicals (typically polymers and flocculating agents) and possibly compressed air will be added. Following the reaction time in the mixing tanks, the G&G waste will be transferred to separation tanks, where the grease will float and the grit will settle. Grease may be shipped off-site for processing for energy recovery or dewatered on-site and landfilled. Grease decomposes to produce landfill gas. Grit will be dewatered and landfilled. Remaining water will be managed as contaminated water and treated on site by solar evaporation or solidification (in accordance with TCEQ rules). This water may be hauled off-site for disposal at a wastewater treatment plant under authorization of the plant owner. All aspects of the management of G&G waste will be in accordance with TCEQ rules (and U.S. EPA rules if offsite disposal is employed).

GREASE AND GRIT TRAP WASTE

Year after opening	Maximum Receipts, gallons per day	Maximum Receipts, gallons per year	Maximum Storage, days	Average Storage, days
1	30,000	10,800,000	5	3
2	33,000	11,900,000	5	3
3	36,000	13,000,000	5	3
4	39,000	14,000,000	5	3
5	42,000	15,100,000	5	3

The maximum amount of grease and grit trap waste to be stored, or total storage capacity, will be 50,000 gallons. The proposed maximum daily waste acceptance rate is 50,000 gallons per day.

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 11. 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 and proposed buildings from the 100-year floodplain. TRC has performed all the necessary hydrological and hydraulic engineering analysis and design to accomplish this. The results of this engineering design along with an application for a Conditional Letter of Map Revision (CLOMR) have been submitted to the Webb County Planning Department (WCPD) for review and were approved (see Attachment G). WCPD is the local agency responsible for floodplain management. With concurrence from WCPD, the CLOMR application will be submitted to the Federal Emergency Management Agency (FEMA) for review and approval. The CLOMR when issued will verify that the proposed site drainage plans will, in fact, remove areas of the site proposed for the landfill, processing and storage areas and related development from the 100-year floodplain.

Construction of the landfill will impact a named reservoir, Burrito Tank, and possibly several smaller stock tanks. All affected reservoirs are owned by the applicant or by its parent, Rancho Viejo Cattle Company, Ltd. In order to approximate effects of the tanks, storage and discharge relationships were developed and utilized for simulation of the pre-project conditions in the CLOMR analysis. Therefore, all existing features were included in the pre-project conditions analysis. It should be noted that, after reviewing the delineation of the FEMA floodplain with respect to the tanks, the tanks will likely not have any significant attenuation effect on the peak discharge. The 100-year flood is so broad in the vicinity of the tanks it appears there is sufficient area to carry the flows which will bypass the tanks' zones of impact.

The proposed landfill is located in an ideal location considering soil, groundwater, land use, and oil and gas activities (past, present, and future). No other location is equally plausible. It is difficult to find an area of appropriate size in Eastern Webb County that does not have floodplain issues due to the prevailing flat topography and rapid runoff soil conditions. Applicant endeavored to find an upland location that was reasonably close to the headwater conditions to minimize any impacts to floodplains and/or wetlands.

TRC performed a wetland evaluation at the facility site in 2009 (see Attachment A). The results of this evaluation indicate jurisdictional wetlands in and near the livestock watering tanks discussed in the preceding paragraph. TRC then performed a wetland determination in 2011. The results of this determination were evaluated in accordance

with current Federal rules and guidelines for the protection of jurisdictional waters, and found certain areas that met these criteria. TRC then submitted its findings to the U.S. Army Corps of Engineers (USACE). The USACE concurred that jurisdictional waters exist on site. Therefore, TRC intends to prepare an application of a Section 404 permit once the facility design is more advanced than it is currently. An application for a Section 404 permit will be prepared and submitted to the USACE. No construction or development in jurisdictional wetland areas will be undertaken without appropriate authorization from the USACE.

No Jurisdictional waters at the location of the proposed facility will be disturbed by the proposed construction or operation of the facility without prior authorization under a permit.

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. A biological evaluation was completed and provided to TPWD and USFWS. TPWD has responded and a copy of its response letter is contained in Attachment A. TRC awaits response from USFWS.

15.0 TEXAS HISTORICAL COMMISSION REVIEW [330.61 (o)]

The Texas Historical Commission (THC) was asked to review the proposed project in the context of the Natural Resources Code, Chapter 191, and Texas Administrative Code. THC notified TRC that the proposed project may proceed (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 were submitted to the South Texas Development Council (STDC) for review for compliance with the regional solid waste plan. TRC completed the STDC *Checklist for Review* to describe the proposed PERC facility and discussed ways this facility will conform to the regional plan. STDC has determined the proposed facility conforms to the regional plan, and is compatible with land use in the area (see Part II, Attachment E).

Also, information letters about the proposed project were 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).

17.0 AIR POLLUTION CONTROL [330.371]

The proposed landfill will have a design capacity greater than 2.5 million megagrams (2.76 million tons) and 2.5 million cubic meters (3.27 million cubic yards). Air emissions from the landfill facility will be controlled, to the extent necessary, to qualify for a standard permit.

The owner/operator of the landfill facility will submit a certification for the initial construction of the landfill at least 120 days prior to building or installation of any equipment or structure that may emit air contaminants. The certification will be based on the capacity of the landfill for a minimum ten-year period. The certification will include supporting documentation to demonstrate compliance with TCEQ air permitting requirements and any other applicable federal and state requirements and at a minimum will include the following:

- (1) The basis and quantification of emission estimates;
- (2) Sufficient information to demonstrate that the facility will comply with all applicable TCEQ air permitting requirements; and
- (3) A description of any equipment and related processes.

18.0 GENERAL OPERATIONAL CONSIDERATIONS [330.15]

The PERC landfill facility will not operate in violation of the Texas Health and Safety Code, or any regulations, rules, permit, license, order of the commission, or in such a manner that causes:

- (1) The discharge or imminent threat of discharge of MSW into or adjacent to the waters in the state without obtaining specific authorization for the discharge from the commission;
- (2) The creation and maintenance of a nuisance; or
- (3) The endangerment of the human health and welfare or the environment.

The open burning of solid waste, except for the infrequent burning of waste generated by land-clearing operations, agricultural waste, silvicultural waste, diseased trees, emergency cleanup operations as authorized by the commission or executive director as appropriate, is prohibited. The operation of an air curtain incinerator other than for the exceptions noted above is prohibited.

The following wastes will not be accepted at this facility:

- (1) Lead acid storage batteries;
- (2) Do-it-yourself used motor vehicle oil;
- (3) Used oil filters from internal combustion engines;
- (4) Whole used or scrap tires, unless processed prior to disposal in a manner acceptable to the executive director;
- (5) Refrigerators, freezers, air conditioners, and any other items containing chlorinated fluorocarbon (CFC);
- (6) Liquid waste, except as allowed in 30 TAC §330.177 (relating to Leachate and Gas Condensate Recirculation), and/or except household liquid waste as allowed by 30 TAC §330.15(e)(6) will not be accepted for disposal in any MSW landfill unit;
- (7) Regulated hazardous waste as defined in 30 TAC §330.3;
- (8) Polychlorinated biphenyls (PCB) wastes, as defined under 40 Code of Federal Regulations Part 761, unless authorized by the United States Environmental Protection Agency and the MSW permit; and
- (9) Radioactive materials as defined in 30 TAC Chapter 336 (relating to Radioactive Substance Rules), except as authorized in Chapter 336 or that are subject to an exemption of the Department of State Health Services.

The facility will receive sewage sludge only in compliance with commission requirements and the requirements of the Federal Clean Water Act, §309 and §405(e).

The drilling of any test borings, for any reason, through previously deposited waste or cover material without prior written authorization from the executive director is prohibited.

The facility will neither be designed nor operated to cause:

- (1) A discharge of solid wastes or pollutants adjacent to or into waters of the state, including wetlands, that is in violation of the requirements of Texas Water Code, §26.121;
- (2) A discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System requirements, under §402, as amended, or Texas Pollutant Discharge Elimination System requirements;
- (3) A discharge of dredged or fill material to waters of the United States, including wetlands, that is in violation of the requirements under Federal Clean Water Act, §404, as amended; and
- (4) A discharge of a nonpoint source pollution into waters of the United States, including wetlands, that violates any requirement of an area-wide or state-wide water quality management plan that has been approved under Federal Clean Water Act, §208 or §319, as amended.”

Attachment E

Local Agency Coordination



SOUTH TEXAS DEVELOPMENT COUNCIL

December 12, 2011

JOSE ALFREDO GUERRA, JR.
CHAIRMAN
MAYOR
CITY OF ROMA

CYNTHIA LIENDO ESPINOZA
VICE-CHAIRMAN
COUNCIL MEMBER
CITY OF LAREDO

RUBEN VILLARREAL
SECRETARY-TREASURER
MAYOR
CITY OF RIO GRANDE

AMANDO GARZA, JR.
EXECUTIVE DIRECTOR

Ms. Christine Bergren
Manager
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Natural Resource Conservation Commission
P.O. Box 13087 (MC 124)
Austin, Texas 78711-3087

Dear Ms. Bergren:

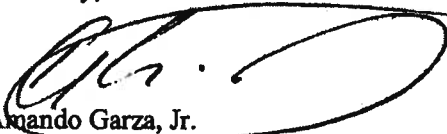
Re: Outcome Review of Permit Application MSW Permit No. 2374, Pescadito Environmental Resource Center conformance with the South Texas Regional SWM Plan

The application for the Pescadito Environmental Resource Center under the Texas Commission on Environmental Quality (TCEQ) MSW Permit No. 2374, for a permit Type I Municipal Solid Waste Facility to be located in Webb County, Texas, was reviewed on December 8, 2011 by the South Texas Development Council's (STDC), Regional Solid Waste Management Advisory Committee (SWAC).

The review was conducted to determine the facility's conformance with the South Texas Regional SWM Plan and general land use compatibility, as found in Chapter Four, Volume II of the South Texas Development Council Regional Solid Waste Management Plan. The SWAC has determined that the application of Pescadito Environmental Resource Center, Rancho Viejo Waste Management, LLC., Solid Waste Disposal Facility, under TCEQ MSW Permit No. 2374, is in conformance with the South Texas Regional Solid Waste Management Plan. Furthermore, that the location of the proposed facility appears to be compatible with the general land use within the given land portion of Webb County.

If you should have any questions regarding the contents of this correspondence, please contact Mr. John Keiser at (956)722-3995 or e-mail jrkeiser@stdc.cog.tx.us.

Sincerely,



Amando Garza, Jr.
Executive Director

Cc: Cheryl Untermeyer, Waste Permits Division, TCEQ, Austin, Texas
James F. Neyens, P.E., TRC-Environmental Corporation, Austin, Texas

APPLICATION FOR PERMIT
TYPE I MUNICIPAL SOLID WASTE FACILITY
MSW PERMIT NO. 2374
PESCADITO ENVIRONMENTAL
RESOURCE CENTER
RANCHO VIEJO WASTE MANAGEMENT, LLC
SOLID WASTE DISPOSAL FACILITY
LAREDO, WEBB COUNTY, TEXAS

~~March 28, 2011~~

~~Revised May 20, 2011~~

~~Revised September 14, 2011~~

~~Revised December 14, 2011~~

Revised February 17, 2012

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Prepared By:



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

TRC Environmental Corporation
TBPE Firm Registration No. 3775

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Revised September 14, 2011

Rancho Viejo Waste Management, LLC

March 28, 2011 ~~Revised 5/20/11; 9/14/11; 12/14/11~~

Revised February 17, 2012

Cover

PART II

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APPLICATION FOR PERMIT

TYPE I MUNICIPAL SOLID WASTE FACILITY

MSW PERMIT NO. 2374

**PESCADITO ENVIRONMENTAL
RESOURCE CENTER**

**SOLID WASTE MANAGEMENT AND
DISPOSAL FACILITY**

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

March 28, 2011

Revised May 20, 2011

Revised September 14, 2011

Revised December 14, 2011

Revised February 17, 2012

Sections 1.1, 1.2, 2.1.4, 10.1—10.4,
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Prepared By:

Except for 1.1, 1.2, 2.1.4, 10.1—10.4,
11.1



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(512) 329-6080

TRC Environmental Corporation

TBPE Firm Registration No. 3775

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2.0 WASTE ACCEPTANCE PLAN [330.61 (b)]

2.1 General

2.1.1 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. Design considerations will be made to ensure that storm water and wastewater management are in compliance with TCEQ regulations. All contaminated liquids resulting from the operation of the facility will be disposed of in a manner that will not cause surface water or groundwater pollution. 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.

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2.1.2 General Prohibitions- The following wastes will not be accepted for landfill disposal at this facility:

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- (1) Lead acid storage batteries.
- (2) Do-it-yourself used motor vehicle oil
- (3) Used oil filters from internal combustion engines.
- (4) Whole used or scrap tires, unless processed prior to disposal in a manner acceptable to the executive director.
- (5) Refrigerators, freezers, air conditioners, and any other items containing chlorinated fluorocarbon (CFC).
- (6) Liquid waste, except as allowed in 30 TAC §330.177 (relating to Leachate and Gas Condensate Recirculation), and/or except household liquid waste as allowed by 30 TAC §330.15(e)(6) will not be accepted for disposal in any MSW landfill unit.
- (7) Regulated hazardous waste as defined in 30 TAC §330.3.
- (8) Polychlorinated biphenyls (PCB) wastes, as defined under 40 Code of Federal Regulations Part 761, unless authorized by the United States Environmental Protection Agency and the MSW permit.
- (9) Radioactive materials as defined in 30 TAC Chapter 336 (relating to Radioactive Substance Rules), except as authorized in Chapter 336 or that are subject to an exemption of the Department of State Health Services.

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2.1.3 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. Grease and grit trap wastes will be accepted for processing from commercial sources (restaurants, fast food facilities, car wash and vehicle maintenance facilities), industrial sources (food processing plants, manufacturing plants) and institutional sources (hospitals, schools, prisons). Class I Industrial Waste amounts will not exceed 20 percent of the total amount of all waste accepted for disposal. Special design considerations will be made in accordance with 30 TAC §330.173 to properly manage any Class I waste that is proposed to be accepted for disposal at the landfill. 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.

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Class I Industrial Waste will be disposed only in landfill cells lined with the industrial waste default design composite liner. The upper component shall consist of a minimum 30-mil (0.75 mm) flexible membrane liner and the lower component shall consist of at least a three-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. Flexible membrane liner components consisting of high density polyethylene shall be at least 60-mil thick. The flexible membrane liner component shall be installed in direct and uniform contact with the compacted soil component. Class I Industrial Waste cells shall have a leachate-collection system designed and constructed to maintain less than a 30-cm depth of leachate over the liner.

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2.1.4 Soil and Groundwater – The soils encountered during drilling and described in the literature are dominantly clays. While the bottom and sides of the landfill excavation could encounter thin, isolated sand/silt units with a Unified Soil Classification of “SM” or “SP,” these soil units do not appear to be sufficiently thick and laterally continuous to provide a significant pathway for waste migration. In addition, most of these units will not exhibit hydraulic conductivity greater than 1×10^{-5} cm/sec. However, any effect of the sand/silt units is minimized because the average annual evaporation exceeds average annual rainfall by more than 40 inches. The nearest “regional aquifer” is located approximately 1,000 feet below the site, according to regional cross-sections, the literature, geophysical log data obtained from the ranch water well located 900 feet from the facility, and geophysical log interpretations for gas wells in the site area. The ranch water well produces water from that depth. As a consequence of the prevailing soil

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conditions, the aquifer is protected by many hundred feet of low-permeability, clay-rich soil. References include Baker, Barnes and Lonsdale in Section 10.0.

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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.

Sources of non-industrial waste that are intended to be managed at the proposed facility include local governmental entities (cities, towns, waste management districts or authorities, and counties), state institutions, federal agencies that generate waste from disaster response, commercial solid waste collection companies, and similar generators of municipal solid waste. Wastes to be received other than industrial waste can be characterized as garbage, rubbish, ashes, street sweepings, incidental dead animals, and non-recyclable residuals following the removal of recyclables from source-separated recyclable materials. Solids resulting from processing grease and grit trap wastes may also be disposed in the landfill.

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.

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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, and the population equivalent represented by these quantities:

Year 1 – 1,000,000 tons	(1.1 million)
Year 2 – 1,200,000 tons	(1.3 million)
Year 3 – 1,400,000 tons	(1.6 million)
Year 4 – 1,600,000 tons	(1.75 million)
Year 5 – 1,800,000 tons	(2.0 million)

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.

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The grease and grit trap (G&G) waste processing facility is expected to receive a maximum of 30,000 gallons per day in the first year of operation. The maximum and average lengths of time this waste will remain at the facility prior to disposal, are summarized in the following table. G&G waste will typically be delivered in commercial vacuum trucks and off-loaded into a series of storage tanks. This waste will be transferred to mixing tanks for processing, where treatment chemicals (typically polymers and flocculating agents) and possibly compressed air will be added. Following the reaction time in the mixing tanks, the G&G waste will be transferred to separation tanks, where the grease will float and the grit will settle. Grease may be shipped off-site for processing for energy recovery or dewatered on-site and landfilled. Grease decomposes to produce landfill gas. Grit will be dewatered and landfilled. Remaining water will be managed as contaminated water and treated on site by solar evaporation or solidification (in accordance with TCEQ rules). This water may be hauled off-site for disposal at a wastewater treatment plant under authorization of the plant owner. All aspects of the management of G&G waste will be in accordance with TCEQ rules (and U.S. EPA rules if offsite disposal is employed).

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GREASE AND GRIT TRAP WASTE

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Year after opening	Maximum Receipts, gallons per day	Maximum Receipts, gallons per year	Maximum Storage, days	Average Storage, days
1	30,000	10,800,000	5	3
2	33,000	11,900,000	5	3
3	36,000	13,000,000	5	3
4	39,000	14,000,000	5	3
5	42,000	15,100,000	5	3

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The maximum amount of grease and grit trap waste to be stored, or total storage capacity, will be 50,000 gallons. The proposed maximum daily waste acceptance rate is 50,000 gallons per day.

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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 11. 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 and proposed buildings from the 100-year floodplain. TRC has performed all the necessary hydrological and hydraulic engineering analysis and design to accomplish this. The results of this engineering design along with an application for a Conditional Letter of Map Revision (CLOMR) have been submitted to the Webb County Planning Department (WCPD) for review and were approved (see Attachment G). WCPD is the local agency responsible for floodplain management. With concurrence from WCPD, the CLOMR application will be submitted to the Federal Emergency Management Agency (FEMA) for review and approval. The CLOMR when issued will verify that the proposed site drainage plans will, in fact, remove areas of the site proposed for the landfill, processing and storage areas and related development from the 100-year floodplain.

Construction of the landfill will impact a named reservoir, Burrito Tank, and possibly several smaller stock tanks. All affected reservoirs are owned by the applicant or by its parent, Rancho Viejo Cattle Company, Ltd. In order to approximate effects of the tanks, storage and discharge relationships were developed and utilized for simulation of the pre-project conditions in the CLOMR analysis. Therefore, all existing features were included in the pre-project conditions analysis. It should be noted that, after reviewing the delineation of the FEMA floodplain with respect to the tanks, the tanks will likely not have any significant attenuation effect on the peak discharge. The 100-year flood is so broad in the vicinity of the tanks it appears there is sufficient area to carry the flows which will bypass the tanks' zones of impact,

The proposed landfill is located in an ideal location considering soil, groundwater, land use, and oil and gas activities (past, present, and future). No other location is equally plausible. It is difficult to find an area of appropriate size in Eastern Webb County that does not have floodplain issues due to the prevailing flat topography and rapid runoff soil conditions. Applicant endeavored to find an upland location that was reasonably close to the headwater conditions to minimize any impacts to floodplains and/or wetlands.

TRC performed a wetland evaluation at the facility site in 2009 (see Attachment A). The results of this evaluation indicate jurisdictional wetlands in and near the livestock watering tanks discussed in the preceding paragraph. TRC then performed a wetland determination in 2011. The results of this determination were evaluated in accordance

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with current Federal rules and guidelines for the protection of jurisdictional waters, and found certain areas that met these criteria. TRC then submitted its findings to the U.S. Army Corps of Engineers (USACE). The USACE concurred that jurisdictional waters exist on site. Therefore, TRC intends to prepare an application of a Section 404 permit once the facility design is more advanced than it is currently. An application for a Section 404 permit will be prepared and submitted to the USACE. No construction or development in jurisdictional wetland areas will be undertaken without appropriate authorization from the USACE.

No Jurisdictional waters at the location of the proposed facility will be disturbed by the proposed construction or operation of the facility without prior authorization under a permit.

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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. A biological evaluation was completed and provided to TPWD and USFWS. TPWD has responded and a copy of its response letter is contained in Attachment A. TRC awaits response from USFWS.

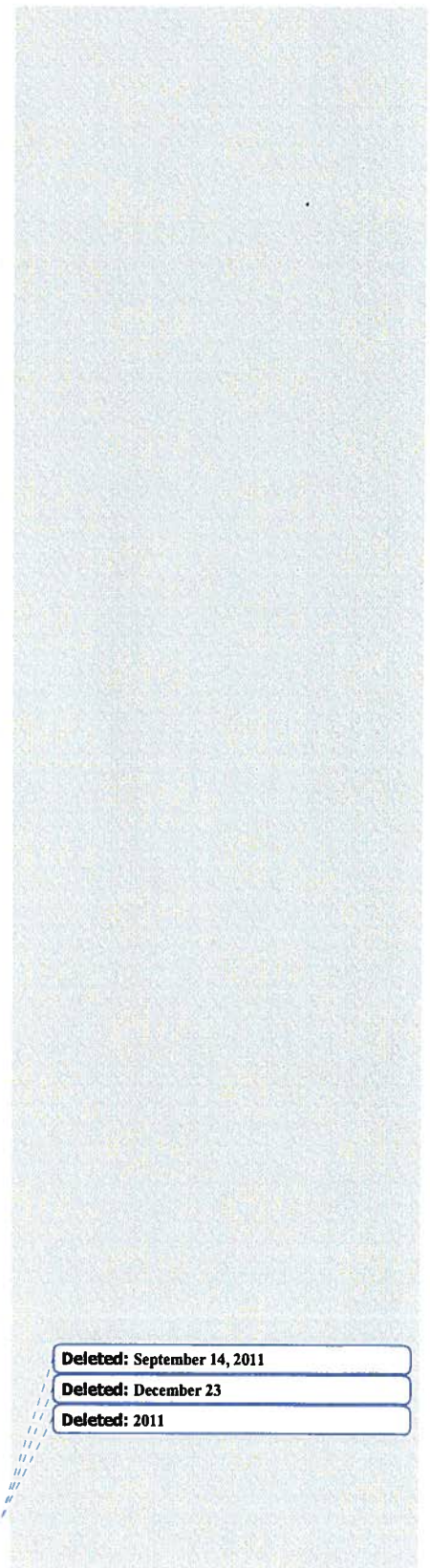
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15.0 TEXAS HISTORICAL COMMISSION REVIEW [330.61 (o)]

The Texas Historical Commission (THC) was asked to review the proposed project in the context of the Natural Resources Code, Chapter 191, and Texas Administrative Code. THC notified TRC that the proposed project may proceed (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).



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

Part I and Part II of this permit application were submitted to the South Texas Development Council (STDC) for review for compliance with the regional solid waste plan. TRC completed the STDC *Checklist for Review* to describe the proposed PERC facility and discussed ways this facility will conform to the regional plan. STDC has determined the proposed facility conforms to the regional plan, and is compatible with land use in the area (see Part II, Attachment E).

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Also, information letters about the proposed project were 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).

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17.0 AIR POLLUTION CONTROL [330.371]

The proposed landfill will have a design capacity greater than 2.5 million megagrams (2.76 million tons) and 2.5 million cubic meters (3.27 million cubic yards). Air emissions from the landfill facility will be controlled, to the extent necessary, to qualify for a standard permit.

The owner/operator of the landfill facility will submit a certification for the initial construction of the landfill at least 120 days prior to building or installation of any equipment or structure that may emit air contaminants. The certification will be based on the capacity of the landfill for a minimum ten-year period. The certification will include supporting documentation to demonstrate compliance with TCEQ air permitting requirements and any other applicable federal and state requirements and at a minimum will include the following:

- (1) The basis and quantification of emission estimates;
- (2) Sufficient information to demonstrate that the facility will comply with all applicable TCEQ air permitting requirements; and
- (3) A description of any equipment and related processes.

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18.0 GENERAL OPERATIONAL CONSIDERATIONS [330.15]

The PERC landfill facility will not operate in violation of the Texas Health and Safety Code, or any regulations, rules, permit, license, order of the commission, or in such a manner that causes:

- (1) The discharge or imminent threat of discharge of MSW into or adjacent to the waters in the state without obtaining specific authorization for the discharge from the commission;
- (2) The creation and maintenance of a nuisance; or
- (3) The endangerment of the human health and welfare or the environment.

The open burning of solid waste, except for the infrequent burning of waste generated by land-clearing operations, agricultural waste, silvicultural waste, diseased trees, emergency cleanup operations as authorized by the commission or executive director as appropriate, is prohibited. The operation of an air curtain incinerator other than for the exceptions noted above is prohibited.

The following wastes will not be accepted at this facility:

- (1) Lead acid storage batteries;
- (2) Do-it-yourself used motor vehicle oil;
- (3) Used oil filters from internal combustion engines;
- (4) Whole used or scrap tires, unless processed prior to disposal in a manner acceptable to the executive director;
- (5) Refrigerators, freezers, air conditioners, and any other items containing chlorinated fluorocarbon (CFC);
- (6) Liquid waste, except as allowed in 30 TAC §330.177 (relating to Leachate and Gas Condensate Recirculation), and/or except household liquid waste as allowed by 30 TAC §330.15(e);
- (6) (6) will not be accepted for disposal in any MSW landfill unit;
- (7) Regulated hazardous waste as defined in 30 TAC §330.3;
- (8) Polychlorinated biphenyls (PCB) wastes, as defined under 40 Code of Federal Regulations Part 761, unless authorized by the United States Environmental Protection Agency and the MSW permit; and
- (9) Radioactive materials as defined in 30 TAC Chapter 336 (relating to Radioactive Substance Rules), except as authorized in Chapter 336 or that are subject to an exemption of the Department of State Health Services.

The facility will receive sewage sludge only in compliance with commission requirements and the requirements of the Federal Clean Water Act, §309 and §405(e).

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The drilling of any test borings, for any reason, through previously deposited waste or cover material without prior written authorization from the executive director is prohibited.

The facility will neither be designed nor operated to cause:

- (1) A discharge of solid wastes or pollutants adjacent to or into waters of the state, including wetlands, that is in violation of the requirements of Texas Water Code, §26.121;
- (2) A discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System requirements, under §402, as amended, or Texas Pollutant Discharge Elimination System requirements;
- (3) A discharge of dredged or fill material to waters of the United States, including wetlands, that is in violation of the requirements under Federal Clean Water Act, §404, as amended; and
- (4) A discharge of a nonpoint source pollution into waters of the United States, including wetlands, that violates any requirement of an area-wide or state-wide water quality management plan that has been approved under Federal Clean Water Act, §208 or §319, as amended.”

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