

Changed Pages

Part II

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

Sections 1.1, 1.2, 2.1.4, 10.1—10.4, 11.1 –
Signed by H.C. Clark, P.G., Ph.D. on Feb. 7,
2012

**Originally
Prepared By:**

TRC Environmental Corporation
TBPE Firm Registration No. 3775

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Revised on June 12, 2014 by:

Shaw Environmental, Inc. (a CB&I company)
TBPE Firm Registration No. F-5650
and
H.C. Clark P.G., Ph.D. for Sections 1.2, 2.1.4 and 11.1

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Modified **October 2016 and August 2017** By:

APTIM Environmental & Infrastructure, Inc. (f/k/a CB&I Environmental & Infrastructure, Inc.)
TBPE Firm Registration No. F-5650



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Environmental & Infrastructure, Inc.)

TBPE Firm F-5650

This floodplain is depicted in Figure 11, Part II. The FIRM can also be found in Attachment G of Part II. 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. An engineering study of the actual surface topography as it currently exists was subsequently performed along with an engineering analysis of drainage at the site and all watersheds above and immediately below the site. A series of drainage channels and detention structures was designed to remove portions of the proposed permit area from the 100-year floodplain. Furthermore, a Conditional Letter of Map Revision (CLOMR) was submitted to FEMA requesting correction of the existing FIRM to take into account the proposed drainage and floodplain improvements. The CLOMR was approved by FEMA on November 21, 2014.

1.6 Threatened and Endangered Species

TRC has performed an initial assessment of threatened and endangered (T&E) species at the site, and subsequently conducted a more detailed biological evaluation. These studies will assure compliance with federal and state requirements for the protection of T&E species and their habitats. These studies have been submitted to the Texas Parks and Wildlife Department (TPWD) and the U.S. Fish and Wildlife Survey (USFWS), as discussed in Section 14.0. Subsequent to these studies, aci Consulting performed a Biological Assessment and received notice from the U.S. Fish and Wildlife Service that the proposed project had complied with section 7(a)(2) of the Endangered Species Act, and concurred that the project would have no effect on four of the species identified (ocelot, interior least tern, ashy dogweed and Johnston's frankenia) and would not adversely affect the jaguarundi due to its closest observation being 44 miles to the north and the proposed conservation measures that will benefit the species should they be in the vicinity of the project site. See Part II, Attachment A for a copy of the Biological Assessment and correspondence from the USFWS.

1.7 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.

1.8 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 property 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. At an appropriate time in the future, the owner or operator may apply to TCEQ for a registration to allow for recovery of landfill gas. 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. All pipelines at the site, whether in easements or not have been avoided by the development and will be protected as required by the regulations.

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. The facility will also provide on-site solidification of certain types of industrial and municipal liquids and sludge to render these wastes suitable for landfill disposal. Grease and grit trap wastes will be accepted for solidification (and possible future 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, excluding the Class 1 waste amount. 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. 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 1,575 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 solidified 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 the solidification (or future processing with prior TCEQ approval) of grease and grit trap wastes will 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.

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 and lockable gates will be provided along the facility boundary, as shown on Figure 4, Part II; and

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

Easements are shown on Figure 4, Sheets 1 to 4, in Part I. These easements will be protected in accordance with TCEQ rules.

The site entrance road can be accessed from public access roads.

An initial Class I waste cell location is shown on Figure 4. Additional Class I waste cells may be designated and constructed throughout the landfill as future landfill cells are designed. All Class I waste cells will be designed, constructed, and operated in accordance with TCEQ rules.

Locations of monitoring wells are generally shown on the Monitoring System and Cell Layout Plan, Figure 5. In accordance with 30 TAC §330.403(a)(2), default spacing for groundwater monitoring wells is a maximum of 600 feet. Figure III-F.1-1 in Part III shows a total of 14 wells located around the landfill unit perimeter. An additional 2 wells are proposed to monitor the evaporation pond (also shown on Figure III-F.1-1).

Locations of gas monitoring probes are generally shown on Figure 5. In accordance with 30 TAC §330.371(h)(2), permanent gas monitoring probes are required to monitor for subsurface migration of landfill gas. Probes are typically placed at 1,000-foot spacing and this spacing can be accommodated at the location shown on Figure 5. Additional information on spacing is shown on Figure III-G.1-1 in Part III.

The proposed facility is completely isolated from all land use except cattle ranching and oil and gas production, and is provided with an effective separation distance of more than one-quarter mile on all sides.

The proposed facility will operate under TPDES General Permit No. TXR050000. A signed certification to this effect is presented as Attachment H in Part II, and verification that the person who has signed that document is authorized to do so is contained in Section 7.0 of Part I. 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 and prior to any construction. 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.

Surface water conditions near the site are very similar to those at the site. Due to the generally flat surface topography and low runoff, combined with the tight, cohesive surficial soils, natural drainage systems exhibit very little erosion. Relatively small artificial dams exist in the area to create “stock tanks” for livestock watering.

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. An independent comprehensive storm water management system of dikes, drainage channels and detention ponds has been designed to remove areas of the site from the 100-year floodplain. All the necessary hydrological and hydraulic engineering analysis and results to support the engineering design, along with an application for a Conditional Letter of Map Revision (CLOMR) were 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 the WCPD, the CLOMR application was submitted to the Federal Emergency Management Agency (FEMA) for review and approval. The CLOMR, approved on November 21, 2014, verifies that the proposed CLOMR system drainage plans will, in fact, remove areas of the site from the 100-year floodplain. The design of the proposed landfill and related appurtenances to be provided in Part III of the Application will include a separate, comprehensive storm water management system of dikes, drainage channels and detention ponds for the portions of the site to be developed. No development within the FEMA designated 100-year floodplain are proposed at this time.

Any reduction of the permit boundary area, or waste footprint area will have no effect on the CLOMR application. The CLOMR, as submitted to FEMA, has not changed from that approved by the WCPD and will effectively remove areas of the proposed site from the 100-year floodplain once the improvements are complete.

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.

aci Consulting performed an extensive Jurisdictional Determination at the site and downstream of the site. The U.S. Army Corps of Engineers approved the Jurisdictional Determination and the U.S. Environmental Protection Agency concurred that the site contains only “intra-state, isolated, non-navigable waters” under 33 CFR 328.3 (a)(3). Correspondence was subsequently received from the U.S. Army Corps of Engineers stating that this project will not involve activities subject to the requirements of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899 and that no permit was necessary to comply with Section 404 or Section 10 as there are no Waters of the United States at the site. See Part II, Attachment A for a copy of the approved Jurisdictional Determination and correspondence from the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.

Attachment J

Webb / Duval Pipeline Information



Michael W. Oden
8-15-2017
T-BPE F-5650

Part II, Attachment J Webb / Duval Pipeline Information

Prior to August 2017, the Texas Railroad Commission online (TxRRC) GIS viewer (<http://www.gisp.rrc.state.tx.us/GISViewer2/>) indicated that a Webb / Duval Gatherers' pipeline crossed the Pescadito Environmental Resource Center (PERC) facility boundary in a north – south direction. Despite the Applicant's assertions that no such pipeline existed at that location, the TCEQ requested additional information about the line. As stated, all known surveyed easements have been shown on Figure 4 -- *Boundary Survey* in Part I of this Application. In addition to the surveyed easements, Carlos Y. Benavides, Sr. executed an "*Easement And Right Of Way Agreement*" (Agreement) on September 1, 1987, with American Pipeline Company [a predecessor/subsidiary to Kinder Morgan and original owner of the Webb / Duval line]. A copy of the agreement is provided in this Part II, Attachment J. The agreement was for a single pipeline across a number of Benavides tracts, but not all tracts, in both the Rancho Viejo and the Yugo Ranch properties. No pipeline alignment was specified in the Agreement.

American Pipeline chose an alignment for a single pipeline in fulfillment of the Agreement and filed a permit application for the pipeline with the TxRRC on September 9, 1987. TxRRC issued permit No. 03754 (Form T-4A) on September 14, 1987. The permit describes the pipeline as a "Natural Gas, Trunk Transmission, Gathering Line in Webb, Duval Counties". The permit has been continuously renewed as most recently as 2014. However, the easement associated with the pipeline was never surveyed and recorded in Webb County records and consequently is not included in the easements provided in Part I of this Application. Information provided by Kinder Morgan on July 20 and 27, 2017 identifies the pipeline route (now known to Kinder Morgan as *Copano 10"*) and shows it to be well to the west of the proposed PERC Facility and running along Ranch Road 7150 within Ranch Viejo. A copy of the Kinder Morgan information is also provided in Part II, Attachment J (See Figure II-J.1) and has been annotated to show the PERC Permit Boundary. The provided alignment would be consistent with the terms of the Agreement since any alignments further to the east would be specifically prohibited since survey tract 2366 was not included in the Agreement. According to the first page of the Agreement, the chosen pipeline alignment establishes the easement in that location for that single line and no other pipeline can be covered by the easement.

On or about August 2, 2017, the TxRRC updated their online map and confirmed that the Webb / Duval Pipeline is located west of the PERC facility as shown on Figure II-J.2.



Lat: 27.5780556
Lon: -99.1558333

Copano 10"

1: 29,983



WGS 1984 Web_Mercator_Auxiliary_Sphere
© Kinder Morgan

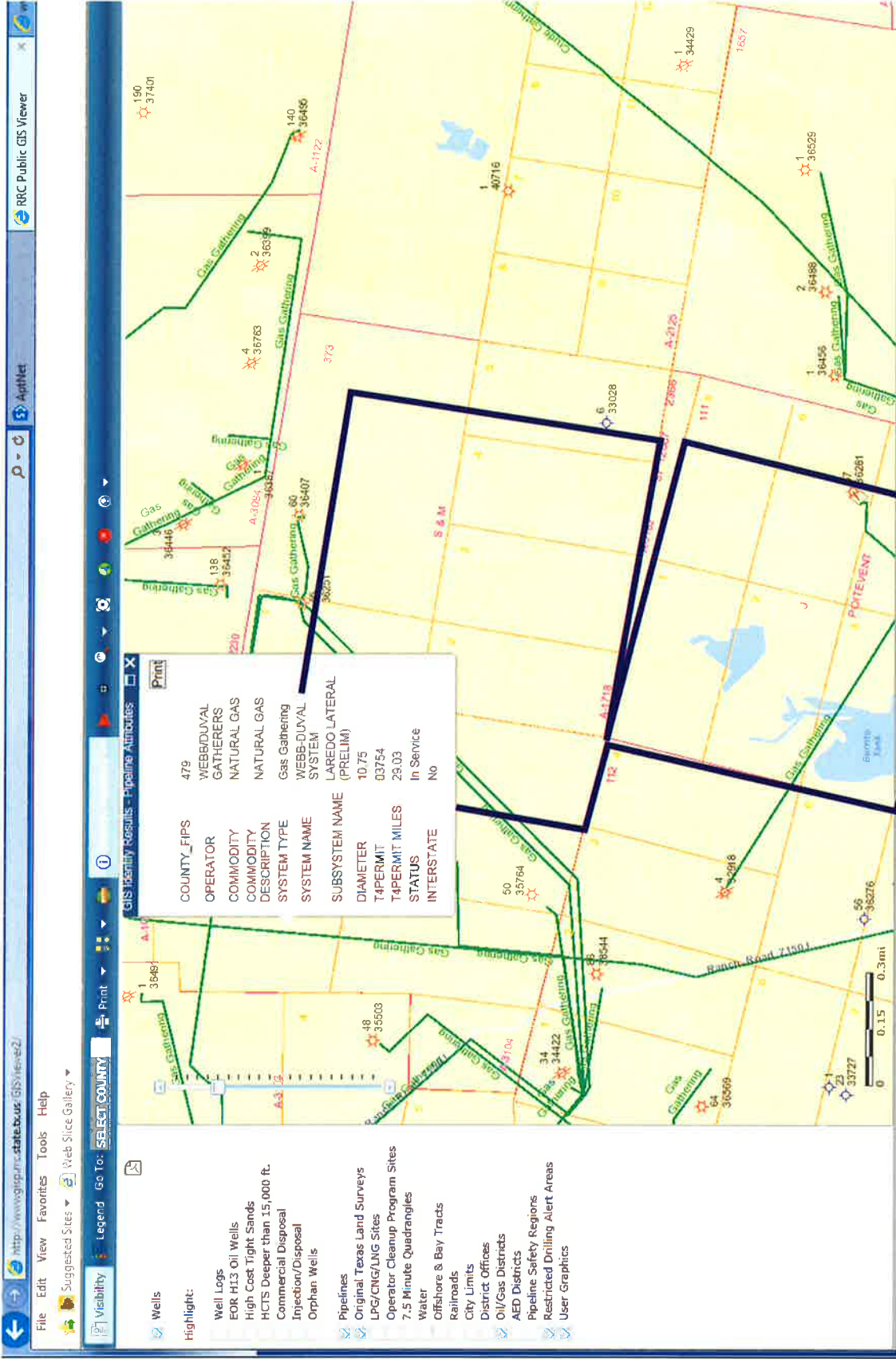
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- M.P. MARKER
- ✕ VALVE
- ◻ METER
- NATURAL GAS CL
- OTHER
- EFC
- HORIZON
- KINDERHAWK
- KM Illinois Pipeline
- KM Louisiana Pipeline
- KM Meer Monterey
- KM North Texas Pipeline
- KM Treating LP
- KM Texas Pipeline
- Midcontinent Express Pipeline
- NGPL
- TransColorado Pipeline
- KM Tejas Pipeline
- Colorado Interstate Gas
- El Paso Natural Gas
- Southern Natural Gas
- Tennessee Gas Pipeline
- COPANO
- HILAND PARTNERS
- SIERRITA
- ALTAMONT
- KINDER MORGAN LIQUIDS
- ◻ Station Outlines
- ◻ NG INACTIVE CL
- ◻ KM Alignment Sheets
- ◻ Parcels
- ◻ JEFF TOWNSHIP RANGE
- ◻ CARTERTWP
- ◻ JEFFSEC_Project

Notes

PERC Permit Boundary



<http://www.gisp.rrc.state.tx.us/GISviewer2/>

Accessed August 14, 2017

— PERC Permit Boundary

Tract No. WE-9-L1

EASEMENT AND RIGHT OF WAY AGREEMENT

THE STATE OF TEXAS

1261 571

COUNTY OF WEBB

376956

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, CARLOS Y. BENAVIDES, SR., hereinafter called "GRANTOR", for a good and valuable consideration paid to said Grantor in cash, the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto AMERICAN PIPELINE COMPANY, 333 Clay Street, Suite 2000, Houston, Texas 77002, its successors and assigns, hereinafter called "GRANTEE", a right of way and easement to lay, construct, maintain, inspect, operate, protect, repair, alter, change the size of, replace, substitute and remove one pipeline only along a route (the location and size of the first pipeline, as constructed, to evidence the maximum outside diameter and route of said pipeline) and appurtenant facilities from time to time deemed by Grantee to be necessary or desirable in connection with the use and convenient operation of said pipeline, for the transportation of gas, oil, petroleum products, or other gaseous substances which can be transported through a pipeline under and upon the lands of Grantor in the County of Webb, State of Texas, to-wit:

Abstract No. 1318, Survey No. 1641, CC&SF RY CO survey of 640 acres; Abstract No. 1296, Survey No. 1643, CC&SF RR CO survey of 307 acres; (the first two tracts of land, being a part of the 16,758 acres, more or less, known as the "Ranch Viego"); Abstract No. 1772, Survey No. 259, T&NO RR CO survey of 640 acres; Abstract No. 1616, Survey No. 111, J. Poitevant survey of 640 acres; Abstract No. 1986, Survey No. 1611, Luis Corona survey of 80 acres; Abstract No. 1218, Survey No. 1082, Antonio Garcia survey of 160 acres; Abstract No. 1832, Survey No. 2248, M.T. Tippin survey of 92 acres; Abstract No. 1816, Survey No. 1907, TT RR CO survey of 640 acres; Abstract No. 2835, Survey No. 112, R. E. Farr survey of 640 acres; Abstract No. 3104, Survey No. 1654, Carroll Howard survey of 636 acres; Abstract No. 1718, Survey No. 373, Seale & Morris survey of 640 acres; Abstract No. 1099, Survey No. 1653, CCSD&RG NG RY CO survey of 636 acres; (The last ten above described tracts of land are out of and a part of 16,258 acres, more or less, and being a part of the "Ranch El Yugo"), and all of the above described lands, being identified under FIRST SHARE in the FIRST TRACT, allotted to and partitioned to Carlos Y. Benavides, in that certain Partition Deed, dated 12/2/49, and recorded in Vol. 306, Page 424, Deed Records of Webb County, Texas.

The Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, together with the right of ingress and egress, as hereinafter provided, over and across said right of way easement, and the right from time to time to cut and remove all trees, undergrowth and other obstructions upon said right of way and easement that may injure said pipeline and appurtenances or interfere with the

construction, operation, maintenance, repair, change, replacement, or removal thereof. The Grantee shall have the right to assign this grant in whole or in part. Rights herein granted to Grantee shall be exercised in such manner as does not unduly or unreasonably interfere with Grantor's use of said land for grazing purposes, and the pipeline shall be placed a sufficient depth in the ground so that the top of the pipe will be not less than thirty-six inches (36") below the surface of the ground. The right of ingress and egress, as herein granted, shall be limited to a permanent right of way having a width of thirty feet (30'), subject to an additional thirty foot (30') width, except at locations such as roads, streams, ditches or specific areas requiring additional space, during the initial construction period not to exceed six (6) months and to use of road leading directly from highway to the pipeline right of way. Grantee is to prohibit any of its agents and representatives from carrying firearms on Grantor's lands, from hunting or fishing on Grantor's lands and shall post and maintain "no-smoking" signs at convenient locations on said right of way.

1261 572

Prior to cutting any fence of Grantor, Grantee shall brace each existing fence to be cut adequately on both sides of the proposed cut by placing four (4) 10-foot posts with not less than 8-inch tops, each buried five feet (5') into the ground with two (2) posts on each side of the proposed cut. The post is to be properly braced with horizontal braces and wired so that when the fence is cut, there will be no slackening of wires. Subject to the foregoing, Grantee is authorized to cut fences when necessary, placing in each fence where it is cut (after first taking the foregoing precautions) to protect each such fence, a wire gap. Upon completion of the construction work or repair work necessitating the cutting of fences, Grantee shall replace the fence wires, leaving above precautionary posts, braces and wires. At any time that Grantee, after completion of the construction of such pipeline, desires to exercise its rights of ingress and egress hereunder, it shall have the right to use Grantor's gates and roads. However, in connection with using Grantor's gates and roads, Grantee agrees to use such road, including culverts, bridges, gates and cattle guards in such manner as to damage same as little as possible, and further agrees, at its own expense, to promptly repair all damage done by it to any such roads, culverts, gates and cattle guards. Furthermore, if requested by Grantor, Grantee shall keep such gates locked, except when passing through same.

Grantee agrees to segregate the top soil excavated from the undersoil removed in connection with its ditching, and to restore the land to as near its original condition as is feasible and to do such terracing and to take such other precautions as are reasonably necessary to avoid ditches being dug or pipelines maintained in such a manner as to cause erosion and washing of Grantor's land. Following initial construction, Grantee agrees to seed the entire right of way with 4 lbs. of buffel seed per acre. Any brush in right of way is to be kept cut so as to lessen danger of automobiles on right of way striking or injuring cattle and other livestock grazing on land. Grantee agrees to conduct all of its operations so as to cause as little erosion or other damage to Grantor's land, improvements and livestock as possible in connection with its use of such right of way.

1261 573

Grantor shall have the right to use and enjoy the surface of said right of way and easement hereinabove described, provided such use and enjoyment shall not interfere with the use thereof by Grantee for the purposes for which said right of way is granted, provided further that Grantor shall not erect nor construct, nor permit the erection or construction of any houses, structures, lakes, ponds, dams or other obstructions, on, over, across, or within said right of way and easement that will interfere with any of the rights herein granted to Grantee.

TO HAVE AND TO HOLD the said right of way easement unto Grantee, its successors and assigns, until such pipeline be constructed and so long thereafter as a pipeline is located thereon, and the undersigned Grantor binds himself, his heirs, executors and administrators, successors and assigns, to WARRANT and FOREVER DEFEND all and singular the said premises unto Grantee, its successors and assigns, against every person whomsoever claiming, or to claim the same, or any part thereof. Non-use and abandonment of said right of way and easement for a period of twenty-four (24) consecutive months shall cause this right of way and easement to terminate and be of no further force and effect; provided, however, Grantee shall have the right, no later than six (6) months after the termination of this Easement, to remove all property placed by Grantee on said right of way and shall leave the premises in as near its original condition as is practicable, or may abandon all or part of its pipeline and appurtenances in place.

Grantee shall have the right to use an area 30'x30' to be used for above ground facilities. Grantee shall also have the right to fence said "surface site".

1261 574

It is agreed that this grant covers all of the agreements between the parties and no representations or statements, verbal or written, have been made modifying, adding to, or changing the terms of this agreement. The terms and provisions hereof shall inure to the benefits of and be binding upon Grantor and Grantee, their respective heirs, representative, successors or assigns.

Grantor reserves the right to grant additional easements over, across, and/or along the easement herein granted, provided that rights granted under said additional easement shall be exercised in a reasonable manner so as not to interfere with rights of Grantee herein.

EXECUTED this the 1st day of September, 1987.

FILED 10-15-1987
HENRY FLORES AT 2:34 P.M.
COUNTY CLERK, WEBB COUNTY, TEXAS
BY _____ DEPUTY

Carlos Y. Benavides Sr.
CARLOS Y. BENAVIDES, SR.

454-78-3082
SS or Tax ID No.



BEFORE ME, the undersigned authority, on this day personally appeared CARLOS Y. BENAVIDES, SR., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS the 1st day of September, 1987.

Bonnie Marie Martinez
Notary Public in and for the
State of Texas

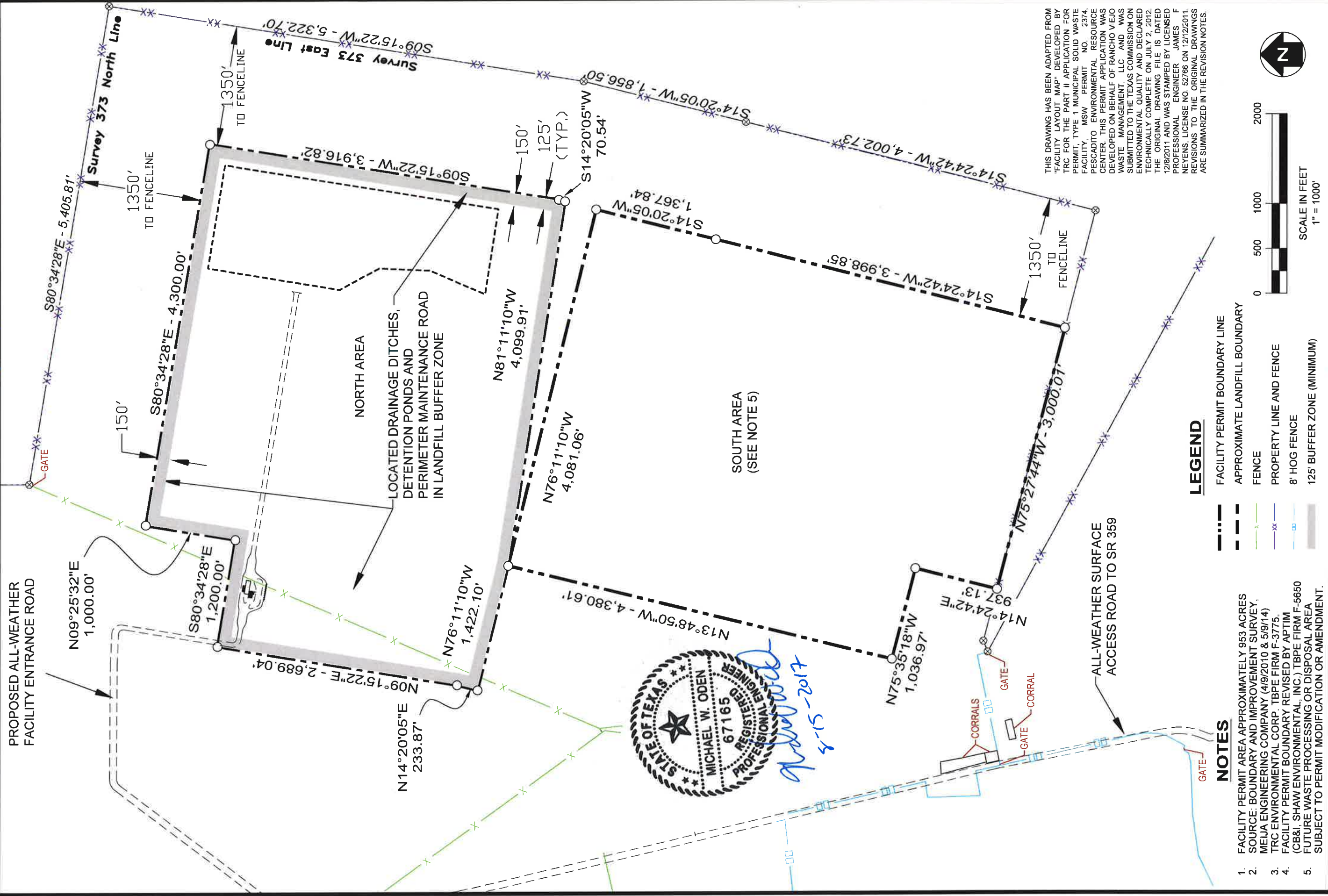
My Commission Expires: July 20, 1989

Bonnie Marie Martinez

HENRY FLORES
COUNTY CLERK
FILED
137 OCT 15 PM 2:34
WEBB COUNTY, TEXAS
By _____ Deputy

419-38

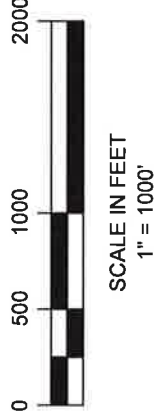
FIGURES



THIS DRAWING HAS BEEN ADAPTED FROM "FACILITY LAYOUT MAP" DEVELOPED BY TRC FOR THE PART II APPLICATION FOR PERMIT, TYPE 1 MUNICIPAL SOLID WASTE FACILITY, MSW PERMIT NO. 2374, PESCADITO ENVIRONMENTAL RESOURCE CENTER. THIS PERMIT APPLICATION WAS DEVELOPED ON BEHALF OF RANCHO VEJO WASTE MANAGEMENT, LLC AND WAS SUBMITTED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND DECLARED TECHNICALLY COMPLETE ON JULY 2, 2012. THE ORIGINAL DRAWING FILE IS DATED 12/8/2011 AND WAS STAMPED BY LICENSED PROFESSIONAL ENGINEER JAMES F. NEYENS, LICENSE NO. 52766 ON 12/12/2011. REVISIONS TO THE ORIGINAL DRAWINGS ARE SUMMARIZED IN THE REVISION NOTES.

LEGEND

- FACILITY PERMIT BOUNDARY LINE
- - - APPROXIMATE LANDFILL BOUNDARY
- - - FENCE
- - - PROPERTY LINE AND FENCE
- - - 8' HOG FENCE
- - - 125' BUFFER ZONE (MINIMUM)

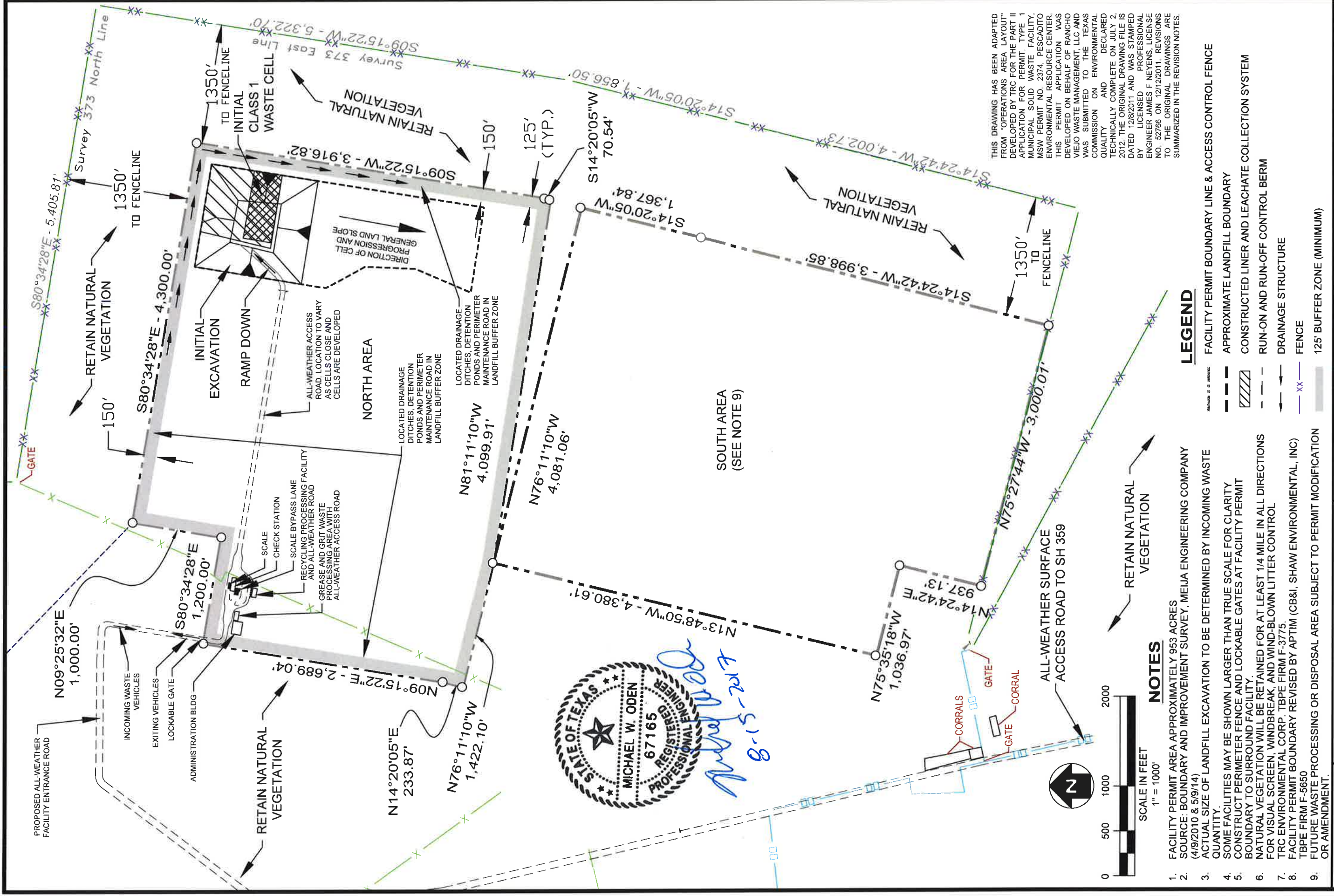


NOTES

1. FACILITY PERMIT AREA APPROXIMATELY 953 ACRES
2. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MELJA ENGINEERING COMPANY (4/9/2010 & 5/9/14)
3. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775
4. FACILITY PERMIT BOUNDARY REVISED BY APTIM (CB&I, SHAW ENVIRONMENTAL, INC.) TBPE FIRM F-5660
5. FUTURE WASTE PROCESSING OR DISPOSAL AREA SUBJECT TO PERMIT MODIFICATION OR AMENDMENT.



<p>REV 1 5/2014 - REVISED FACILITY PERMIT BOUNDARY</p> <p>REV 2 9/2017 - REVISED WASTE BOUNDARY AND ENTRANCE</p>	<p>APTIM Environmental & Infrastructure, Inc.</p> <p>12005 FORD RD. SUITE 600 DALLAS, TEXAS 75234 TBPE FIRM F-5660 TBPE FIRM F-5650</p> <p><small>APTIM Environmental & Infrastructure, Inc. has prepared this document for a specific project or purpose. All information contained within this document is the property of APTIM Environmental & Infrastructure, Inc. This document is not to be used for any other project or purpose without the express written consent of APTIM Environmental & Infrastructure, Inc.</small></p>	<p>PROJECT: PESCADITO ENVIRONMENTAL RESOURCE CENTER WEBB COUNTY, TEXAS</p> <p>FIGURE 3 - PART II FACILITY LAYOUT MAP</p>
<p>APPROVED BY: MTE</p>		<p>DATE: AUGUST 2017</p>
<p>APPROVED BY: MWO</p>		<p>PROJECT NO.: 148866</p>



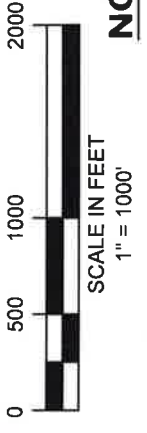
THIS DRAWING HAS BEEN ADAPTED FROM "OPERATIONS AREA LAYOUT" DEVELOPED BY TRC FOR THE PART II APPLICATION FOR PERMIT, TYPE 1 MUNICIPAL SOLID WASTE FACILITY, MSW PERMIT NO. 2374, PESCADITO ENVIRONMENTAL RESOURCE CENTER. THIS PERMIT APPLICATION WAS DEVELOPED ON BEHALF OF RANCHO VIEJO WASTE MANAGEMENT, LLC AND WAS SUBMITTED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND DECLARED TECHNICALLY COMPLETE ON JULY 2, 2012. THE ORIGINAL DRAWING FILE IS DATED 12/28/2011 AND WAS STAMPED BY LICENSED PROFESSIONAL ENGINEER JAMES F. NEYENS, LICENSE NO. 52766 ON 12/12/2011. REVISIONS TO THE ORIGINAL DRAWINGS ARE SUMMARIZED IN THE REVISION NOTES.

LEGEND

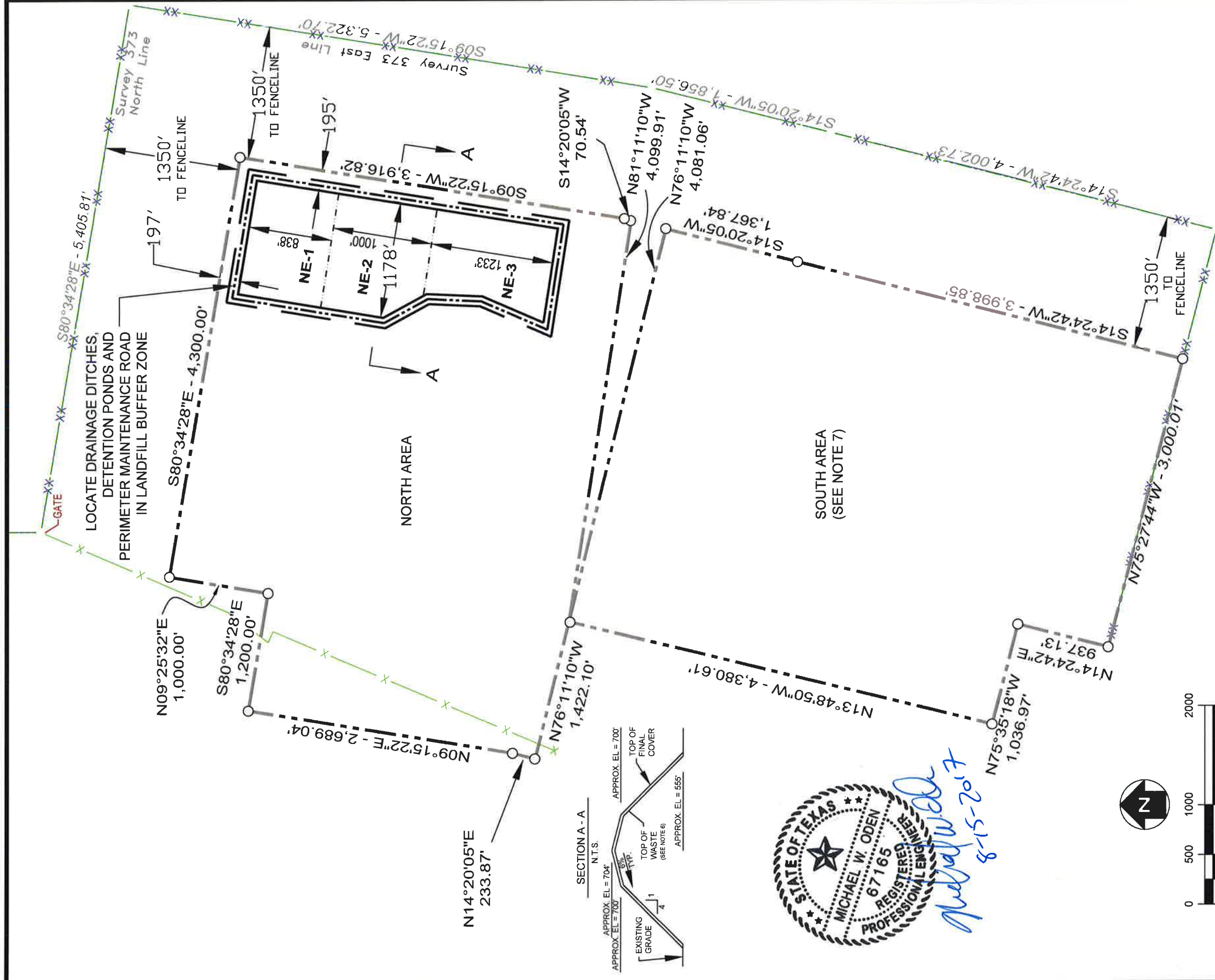
- FACILITY PERMIT BOUNDARY LINE & ACCESS CONTROL FENCE
- - - APPROXIMATE LANDFILL BOUNDARY
- ▨ CONSTRUCTED LINER AND LEACHATE COLLECTION SYSTEM
- - - RUN-ON AND RUN-OFF CONTROL BERM
- DRAINAGE STRUCTURE
- FENCE
- 125' BUFFER ZONE (MINIMUM)

NOTES

1. FACILITY PERMIT AREA APPROXIMATELY 953 ACRES
2. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEIJA ENGINEERING COMPANY (4/9/2010 & 5/9/14)
3. ACTUAL SIZE OF LANDFILL EXCAVATION TO BE DETERMINED BY INCOMING WASTE QUANTITY.
4. SOME FACILITIES MAY BE SHOWN LARGER THAN TRUE SCALE FOR CLARITY
5. CONSTRUCT PERIMETER FENCE AND LOCKABLE GATES AT FACILITY PERMIT BOUNDARY TO SURROUND FACILITY.
6. NATURAL VEGETATION WILL BE RETAINED FOR AT LEAST 1/4 MILE IN ALL DIRECTIONS FOR VISUAL SCREEN, WINDBREAK, AND WIND-BLOWN LITTER CONTROL
7. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.
8. FACILITY PERMIT BOUNDARY REVISED BY APTIM (CB&I, SHAW ENVIRONMENTAL, INC) TBPE FIRM F-5650
9. FUTURE WASTE PROCESSING OR DISPOSAL AREA SUBJECT TO PERMIT MODIFICATION OR AMENDMENT.



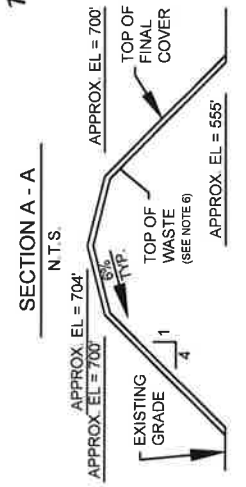
<p>REV 1/5/2014 - REVISED FACILITY PERMIT BOUNDARY</p> <p>REV 2/9/2017 - REVISED WASTE BOUNDARY AND ENTRANCE</p>	<p>APTIM Environmental & Infrastructure, Inc. <small>(fka CB&I Environmental & Infrastructure, Inc.) 12005 FORD RD, SUITE 800 DALLAS, TEXAS 75234 (972) 778-6400 (972) 778-6460 www.aptim.com</small></p>	<p>PESCADITO ENVIRONMENTAL RESOURCE CENTER WEBB COUNTY, TEXAS</p>
<p>FIGURE 4 - PART II OPERATIONS AREA LAYOUT</p>		
<p>DRAWN BY: MTE</p>	<p>APPROVED BY: MWO</p>	<p>PROJ. NO.: 148866</p>
		<p>DATE: AUGUST 2017</p>



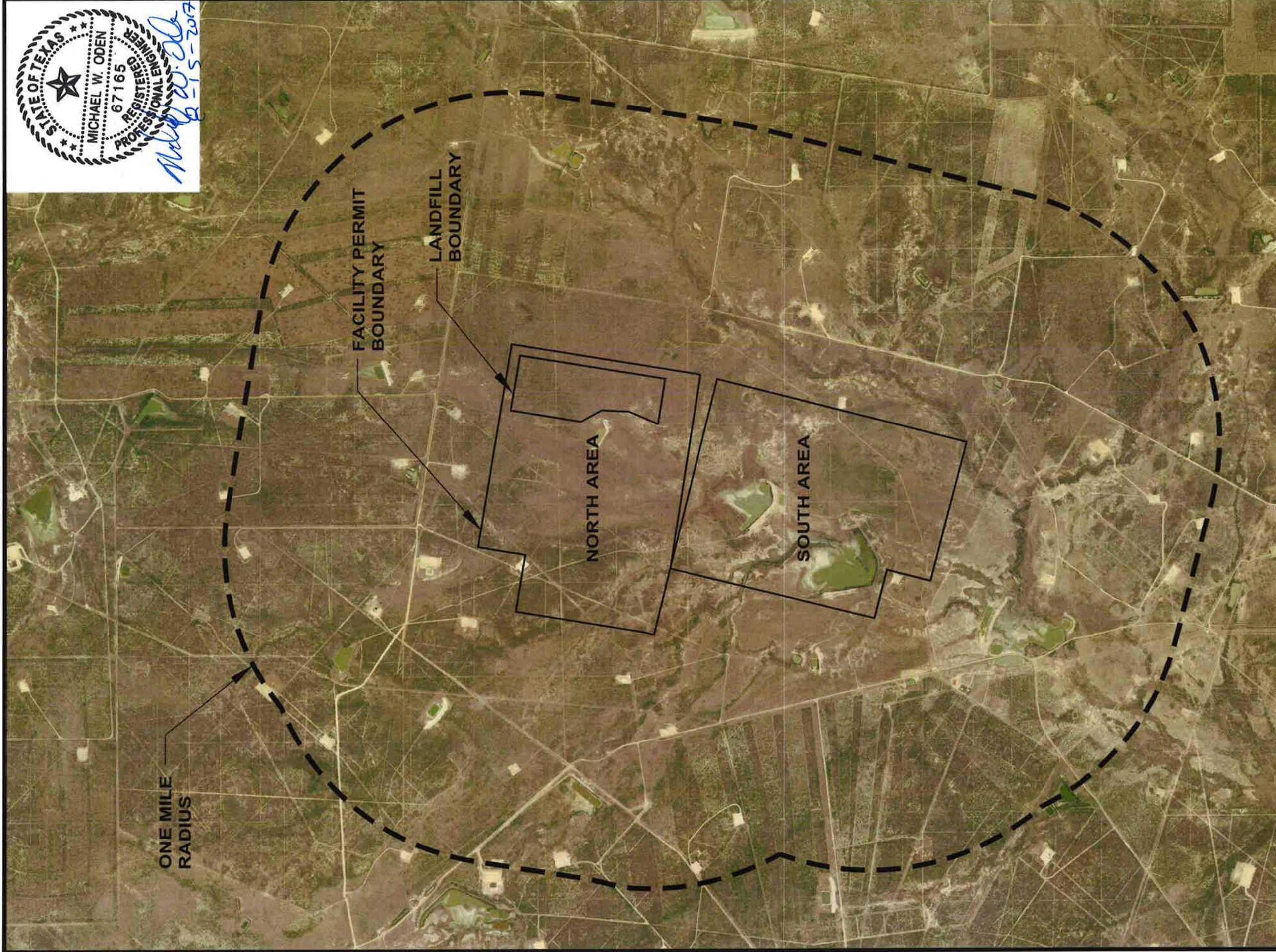
- NOTES**
1. FACILITY PERMIT AREA APPROXIMATELY 953 ACRES.
 2. SOURCE: BOUNDARY AND IMPROVEMENT SURVEY, MEJIA ENGINEERING COMPANY (4/9/10 & 5/9/14).
 3. CONSTRUCT SECURITY FENCE AND GATES ALONG FACILITY PERMIT BOUNDARY.
 4. TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.
 5. FACILITY PERMIT BOUNDARY REVISED BY APTIM (CB&I), SHAW ENVIRONMENTAL, INC.) TBPE FIRM F-5650
 6. LANDFILL ELEVATIONS ARE PRELIMINARY FOR TOP OF FINAL COVER. SUBTRACT 3' FOR TOP OF WASTE ELEVATION. (SEE APP. III - D.2)
 7. FUTURE WASTE PROCESSING OR DISPOSAL AREA SUBJECT TO PERMIT MODIFICATION OR AMENDMENT.

- LEGEND**
- (A-1) LANDFILL CELL DESIGNATION
 - GROUNDWATER MONITORING ZONE LOCATION
 - LANDFILL GAS MONITORING ZONE LOCATION
 - TYP. LANDFILL CELL BOUNDARY
 - FACILITY PERMIT BOUNDARY LINE
 - APPROXIMATE LANDFILL LIMIT
 - PROPERTY LINE AND FENCE
 - 8' HOG FENCE

THIS DRAWING HAS BEEN ADAPTED FROM "GENERAL LOCATION MAP" DEVELOPED BY TRC FOR THE PART 1 APPLICATION FOR PERMIT, TYPE 1 MUNICIPAL SOLID WASTE FACILITY, MSW PERMIT NO. 2374, PESCADITO ENVIRONMENTAL RESOURCE CENTER. THIS PERMIT APPLICATION WAS DEVELOPED ON BEHALF OF RANCHO VIEJO WASTE MANAGEMENT, LLC AND WAS SUBMITTED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND DECLARED TECHNICALLY COMPLETE ON JULY 2, 2012. THE ORIGINAL DRAWING FILE IS DATED 2/14/2011 AND WAS STAMPED BY LICENSED PROFESSIONAL ENGINEER JAMES F. NEYENS, LICENSE NO. 52766 ON 9/14/2011. REVISIONS TO THE ORIGINAL DRAWINGS ARE SUMMARIZED IN THE REVISION NOTES.



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		FIGURE 5 - PART II MONITORING SYSTEM AND CELL LAYOUT PLAN
REV 1 - 5/22/14 - REVISED FACILITY PERMIT BOUNDARY REV 2 - 7/18/14 - ADDED SECTION B - B REV 3 - 9/29/16 - REVISED CELL LAYOUT REV 4 9/20/17 - REVISED WASTE BOUNDARY	DRAWN BY: MTE APPROVED BY: MWO PROJ. NO.: 148866 DATE: AUGUST 2017	



NOTES

1. BASE MAP BY TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.
2. FACILITY PERMIT BOUNDARY REVISED BY CB&I (SHAW ENVIRONMENTAL, INC.) TBPE FIRM F-3650

SOURCE: TEXAS ORTHOMAGERY PROGRAM (TOP), 2008.

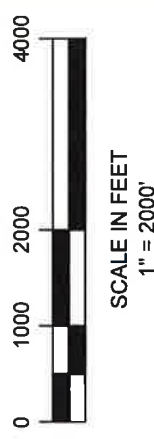
REV 1 5/22/14 - REVISED FACILITY PERMIT BOUNDARY
 REV 2 8/20/17 - REVISED WASTE BOUNDARY



APTIM Environmental & Infrastructure, Inc.
 (fka CB&I Environmental & Infrastructure, Inc.)
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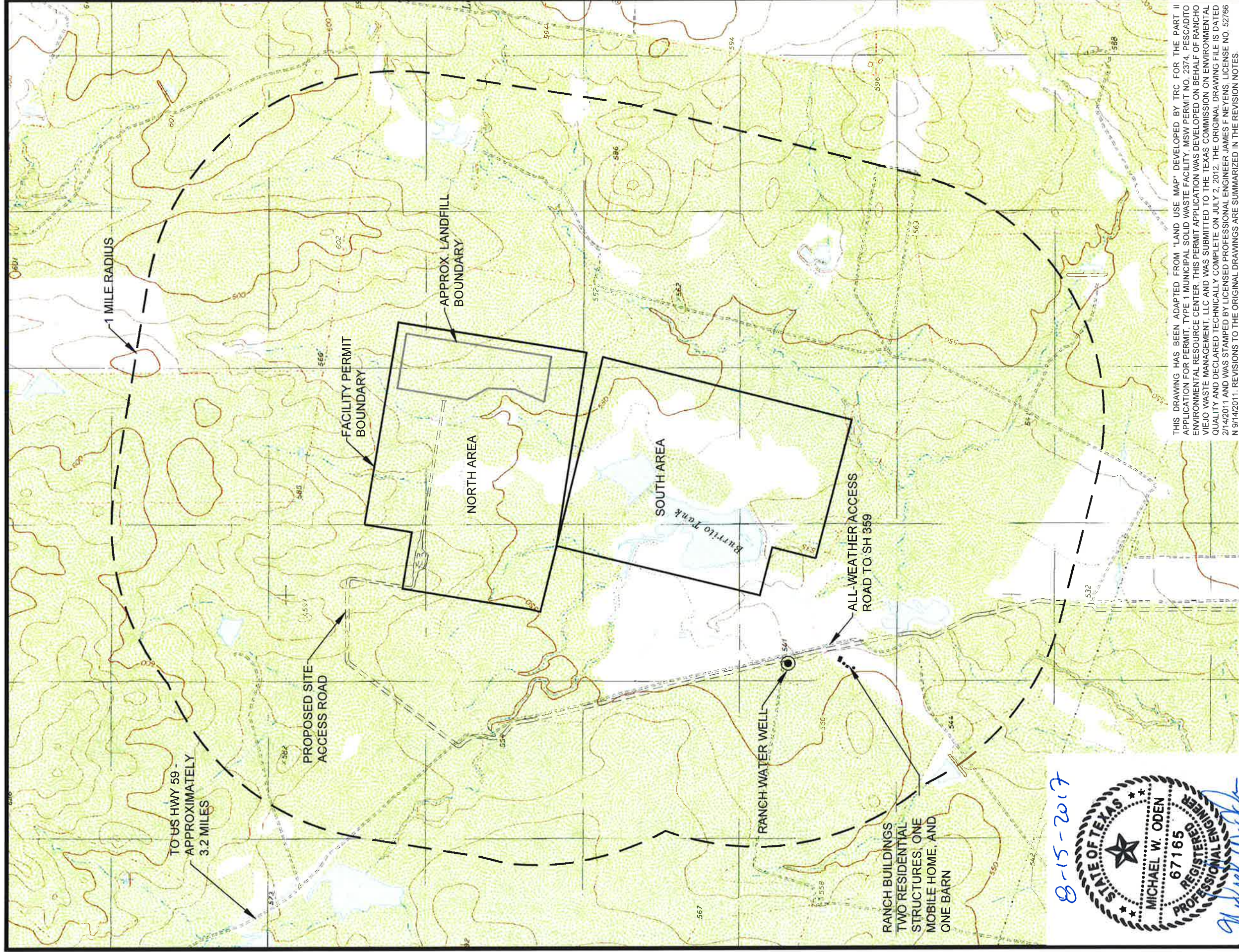
THIS DRAWING HAS BEEN ADAPTED FROM "AERIAL PHOTOGRAPH" DEVELOPED BY TRC FOR THE PART II APPLICATION FOR PERMIT, TYPE 1 MUNICIPAL SOLID WASTE FACILITY, MSW PERMIT NO. 2374, PESCADITO ENVIRONMENTAL RESOURCE CENTER. THIS PERMIT APPLICATION WAS DEVELOPED ON BEHALF OF RANCHO VIEJO WASTE MANAGEMENT, LLC AND WAS SUBMITTED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND DECLARED TECHNICALLY COMPLETE ON JULY 2, 2012. THE ORIGINAL DRAWING FILE IS DATED 12/8/2011 AND WAS STAMPED BY LICENSED PROFESSIONAL ENGINEER JAMES F. NEYENS, LICENSE NO. 52766 ON 12/12/2011. REVISIONS TO THE ORIGINAL DRAWINGS ARE SUMMARIZED IN THE REVISION NOTES.



**PESCADITO ENVIRONMENTAL RESOURCE CENTER
 WEBB COUNTY, TEXAS**

**FIGURE 7 - PART II
 AERIAL PHOTOGRAPH**

DRAWN BY: MTE APPROVED BY: MWO PROJ. NO.: 148866 DATE: AUGUST 2017



THIS DRAWING HAS BEEN ADAPTED FROM "LAND USE MAP" DEVELOPED BY TRC FOR THE PART II APPLICATION FOR PERMIT, TYPE 1 MUNICIPAL SOLID WASTE FACILITY, MSW PERMIT NO. 2374, PESCADITO ENVIRONMENTAL RESOURCE CENTER. THIS PERMIT APPLICATION WAS DEVELOPED ON BEHALF OF RANCHO VIEJO WASTE MANAGEMENT, LLC AND WAS SUBMITTED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND DECLARED TECHNICALLY COMPLETE ON JULY 2, 2012. THE ORIGINAL DRAWING FILE IS DATED 2/14/2011 AND WAS STAMPED BY LICENSED PROFESSIONAL ENGINEER JAMES F NEYENS, LICENSE NO. 52766 N 9/14/2011. REVISIONS TO THE ORIGINAL DRAWINGS ARE SUMMARIZED IN THE REVISION NOTES.

NOTES

1. BASE MAP BY TRC ENVIRONMENTAL CORP. TBPE FIRM F-3775.
2. FACILITY PERMIT BOUNDARY REVISED BY APTIM (CB&I, SHAW ENVIRONMENTAL, INC.) TBPE FIRM F-5650
3. 100 PERCENT OF LAND USE AT AND WITHIN 1 MILE OF PROPOSED FACILITY IS CATTLE RANCHING INTERMIXED WITH OIL AND GAS PRODUCTION.
4. TWO RESIDENTIAL STRUCTURES & ONE MOBILE HOME FOR RANCH PERSONNEL ARE LOCATED WITHIN ONE MILE.
5. THERE ARE NO COMMERCIAL ESTABLISHMENTS, SCHOOLS, LICENSED DAY CARE FACILITIES, CHURCHES, CEMETARIES, OR RECREATIONAL AREAS WITHIN ONE MILE.
6. ALL PONDS OR LAKES ARE MAN-MADE LIVESTOCK WATERING TANKS.
7. EASEMENTS SHOWN ON FIGURE 4, SHEETS 1 & 2, PART I


LEGEND

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



8-15-2017



REV. 1 5/22/14 - REVISED FACILITY PERMIT BOUNDARY REV. 2 8/20/17 - REVISED WASTE BOUNDARY AND ENTRANCE	 APTIM Environmental & Infrastructure, Inc. <small>(f/k/a CB&I Environmental & Infrastructure, Inc.) 12005 FORD RD, SUITE 600 DALLAS, TEXAS 75234 (972) 773-8400 TBPE FIRM F-5650</small>	PESCADITO ENVIRONMENTAL RESOURCE CENTER WEBB COUNTY, TEXAS	FIGURE 8 - PART II LAND USE MAP
DRAWN BY: MTE APPROVED BY: MWO PROJ. NO.: 148866 DATE: AUGUST 2017		SOURCE: U.S.G.S. 7.5-MINUTE SERIES TOPOGRAPHIC MAP, BURRITO TANK (1980), TEXAS.	