

**PART II
APPLICATION FORM**



Texas Commission on Environmental Quality Part II Application Form for New Permit or Permit Amendment for a Municipal Solid Waste Landfill Facility

I. Application Information

1. Facility Name: Hawthorn Park Recycling and Disposal Facility
2. Permittee Name: USA Waste Landfills of Texas, Inc.
3. MSW Authorization #: MSW-2185A
4. Initial Submittal Date: 2/22/2021

II. Existing Conditions Summary - 30 TAC §330.61(a)

Provide information to address any site-specific conditions that require special design considerations and possible mitigation of conditions as follows.

1. Provide a summary describing the existing conditions at the site and within the areas surrounding the site, which may include discussions of any additional land-use, environmental, or special issues related to the facility.

The Hawthorn Park RDF is a Type IV landfill, and waste that will be disposed of at the landfill is expected to consist of brush, construction or demolition waste, and rubbish. The existing conditions in and around the site, including land-use, are described in detail in Part II, Existing Conditions and Character of the Facility, in the Permit Amendment Application (PAA) for MSW-2185A.

2. Provide brief descriptions of all site-specific conditions at the facility that require special design considerations.

There are no specific conditions that require special design considerations. Part II, Existing Conditions and Character of the Facility, in the Permit Amendment Application (PAA) for MSW-2185A discusses the existing conditions at the facility.

3. Indicate that reports of site-specific conditions that require special design considerations and mitigation of such conditions are provided under Sections VIII – XVI below with regard to (a) facility impacts on surrounding areas; (b) transportation; (c) general geology and soils; (d) groundwater and surface water; (e) existing and abandoned oil and water wells; (f) floodplains and wetlands; (g) endangered or threatened species impacts; and (h) compliance with the Texas Natural Resources Code, Chapter 191 (Texas Antiquities Code).

Not applicable.

III. Waste Acceptance Plan - 30 TAC §330.61(b)

1. If this application is for a Type I or Type IAE MSW landfill facility, attach completed Form No. TCEQ-20873. Attachment No.:
2. If this application is for a Type IV or Type IVAE MSW landfill facility, attach completed Form No. TCEQ-20890. Attachment No.: 2

IV. General Location Maps - 30 TAC §330.61(c)

Provide General Location Maps that accurately show the features listed below. Provide all General Location Maps in a single attachment and include the drawing number in the space provided. Include notes on each map, as needed, to describe information pertaining to the map.

1. The prevailing wind direction with a wind rose. Figure II-12
2. All known water wells within 500 feet of the proposed permit boundary with the state well numbering system designation for Water Development Board "located wells."

Figure II-10

3. All structures and inhabitable buildings within 500 feet of the proposed facility.

Figure II-11

4. (i) Schools, (ii) licensed day-care facilities, (iii) churches, (iv) hospitals, (v) cemeteries, (vi) ponds, (vii) lakes, and (viii) residential, (ix) commercial, and (x) recreational areas within one mile of the facility. Drawing 4
5. The location and surface type of all roads within one mile of the facility that will normally be used by the owner or operator for entering or leaving the facility. Figure 2
6. Latitudes and longitudes. Figures II-1 and II-2
7. Area streams. Figure II-2
8. Airports within six miles of the facility. Figure II-18
9. The property boundary of the facility. Figure II-4
10. (i) Drainage, (ii) pipeline, and (iii) utility easements within or adjacent to the facility.
Figure II-4
11. (i) Facility access control features. Figure II-4
12. (i) Archaeological sites, (ii) historical sites, and (iii) sites with exceptional aesthetic qualities adjacent to the facility. There are none in the area.

V. Facility Layout Maps - 30 TAC §330.61(d)

Provide the Facility Layout Map(s) as a single attachment, and include drawing number(s) in the space provided. Include notes on each map, as needed, to describe information on the map.

Provide a map or set of maps of the facility layout showing:

1. The outline of the units; Figure II-4
2. General locations of main interior facility roadways; Figures II-7.1 to 7.5
3. Locations of monitor wells; Figure II-8
4. Locations of buildings; Figure II-11

5. Any other graphic representations or marginal explanatory notes necessary to communicate the proposed construction sequence; Figure II-5; Figures II-7.1 to 7.5
6. Fencing; Figure II-4
7. Provisions for the maintenance of any natural windbreaks, such as greenbelts, where they will improve the appearance and operation of the facility and, where appropriate, plans for screening the facility from public view; Figure II-4
8. All site entrance roads from public access roads; Figure II-4
9. General locations of main interior facility roadways that can be used to provide access to fill areas; Figures II-7.1 to 7.5
10. Sectors with appropriate notations to communicate the types of wastes to be disposed of in individual sectors; Figure II-4
11. The general sequence of filling operations; Figures II-7.1 to 7.5
12. Sequence of excavations and filling; Figure II-5; Figures II-7.1 to 7.5
13. Dimensions of cells or trenches; Figure II-5 and
14. Maximum waste elevations and final cover. Figure II-8

VI. General Topographic Maps - 30 TAC §330.61(e)

1. Provide general topographic map(s) consisting of United States Geological Survey 7 1/2-minute quadrangle sheets or equivalent for the facility. Map No(s). Figure II-15
2. At least one of the general topographic maps provided is at a scale of one-inch equals 2,000 feet.
 Yes

VII. Aerial Photograph - 30 TAC §330.61(f)

Provide an aerial photograph approximately 9" x 9" with a scale within a range of one-inch equals 1,667 feet to one-inch equals 3,334 feet and showing the area within at least one-mile radius of the site boundaries. Mark the site boundaries and fill areas on the aerial photograph(s). A series of aerial photographs can be used to show growth trends.
Attachment No.(s): Figure II-3

VIII. Land-Use Map - 30 TAC §330.61(g)

Provide a constructed map of the facility showing the following land-use features (list the map number(s) in the space provided):

1. The boundary of the facility; Drawing 1
2. Existing zoning on or surrounding the property ; Drawing 2
3. Actual uses (e.g., agricultural, industrial, residential, etc.) both within the facility and within one mile of the facility. Drawing 4
4. Drainage, pipeline, and utility easements within the facility; Figure II-4
5. Access roads serving the facility; Figure II-2

6. Check the following facilities if they are within one mile of the facility boundary and indicate on map. Drawing 4
- (a) residences;
 - (b) commercial establishments;
 - (c) schools;
 - (d) licensed day-care facilities;
 - (e) churches;
 - (f) cemeteries;
 - (g) ponds or lakes; and
 - (h) recreational areas.

IX. Impact on Surrounding Area - 30 TAC §330.61(h)

Address the facility's impacts on cities, communities, groups of property owners, or individuals and describe mitigation of conditions as required. Attach additional pages as necessary. If a land use compatibility analysis report prepared by a qualified professional is provided, indicate the location within the application. Attachment No.: Part II Appendix IIA

1. Impacts to Surrounding Areas:

- (a) Provide information regarding the likely impacts of the facility on cities, communities, groups of property owners, or individuals by analyzing the compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest; and

There are no significant negative impacts as the site has been operating as a municipal solid waste disposal facility since 1977, nearly half of the land within 1 mile of the facility is industrial, the direction of major development and residential growth is west and trending away from the site, and recent growth in the area has been non-residential.

- (b) Describe any special design considerations and possible mitigation of potential impacts, as necessary.

Not applicable.

Published Zoning Map: If available, provide a published zoning map for the facility and within two miles of the facility for the county or counties in which the facility is or will be located.

Part II App IIA Drawing 2

2. Special or Nonconforming Use Permit:

- (a) Does the site require approval as a nonconforming use or a special permit from the local government having jurisdiction? Yes No

(b) If yes, provide a copy of such approval. Attachment No.:

3. **Character of Surrounding Land Use:** Describe the character of the surrounding land uses within one mile of the proposed facility.

The prevailing land use in the area is industrial. Many commercial tracts are also located throughout the area, including both office parks and small businesses interspersed between residential and industrial uses. Industrial and commercial uses represent approximately 62% of land use, while residential represents less than 12%. Two major highways traverse the area (Beltway 8 and US 290).

4. **Growth Trends and Directions of Major Development:**

(a) Provide information about growth trends within five miles of the facility.

The direction of major development and residential growth in northwest Harris County is further to the west and trending away from the facility. Most of the recent growth within the area has been non-residential (i.e. commercial and industrial), and that trend is expected to continue.

(b) Describe the directions of major development.

To the west and trending away from the facility.

5. **Number of and Proximity to Residences and Other Uses:** Indicate the approximate number and proximity of residences and other uses within one mile of the facility as follows. Population density and proximity to residences and other uses may be considered in the assessment.

(a) Number of, distance, and directions to residences:

2,155 residences exist within one mile east, west, and south of the facility.

(i) Indicate the distance to the nearest residences: 70 feet

(ii) Provide directions to the nearest residences:

West of the southeast permit boundary (residences are approximately 400 feet from waste footprint).

(b) Number of, distance, and directions to commercial establishments:

There are 331 commercial establishments within one mile in all directions from the facility.

(i) Indicate the distance to the nearest commercial establishments: 100 feet

(ii) Provide directions to the nearest commercial establishments:

South of the west portion of the facility.

(c) Number of, distance, and directions to schools:

One public K-12 school located 1/2 mile east of the facility.

(d) Number of, distance, and directions to churches:

15 churches within 1 mile of facility in all directions. Closest 1/10 mile to the south

(e) Number of, distance, and directions to cemeteries:

2 cemeteries within 1 mile of facility to south and west. Closest 3/10 mile to the south

(f) Number of, distance, and directions to historic structures and sites:

None

(g) Number of, distance, and directions to archaeologically significant sites:
None

(h) Number of, distance, and directions to sites having exceptional aesthetic quality:
None

6. **Known Wells.** Provide information and discussion of all known wells within 500 ft. of the proposed facility. Provide the well information using Table VIII-1 below. If site has more than 5 wells within the radius, include wells information as an attachment.

See Attachment 23 to this form. Complete list of wells in Part III, Attachment 4.

Table VIII-1. Well Information

Wells Within 500 ft. Radius of the Proposed Facility							
Well Locator	Well ID No.	Depth (ft.)	Completion Date	Completion Formation	Well Use	Longitude	Latitude
Att #23							

X. Transportation and Airport Safety - 30 TAC §330.61(i) and §330.545

1. **Transportation:** Attach completed Transportation Data and Coordination Report Form for Municipal Solid Waste Type I Landfills, TCEQ-20719. Attachment No.: N/A for Type IV

2. **Airport Safety:**

(a) Is the facility located, or will be located, within 10,000 feet of any airport runway end used by turbojet aircraft? Yes No

(b) Is the facility located, or will be located, within 5,000 feet of any airport runway end used by only piston-type aircraft? Yes No

(i) If the answer is "Yes" to either (a) or (b) above, indicate the distance of the facility from the nearest airport runway end used by only turbojet aircraft: _____ feet or piston-type aircraft: _____ feet; and

(ii) Provide required demonstration to show that the municipal solid waste facility units are or will be designed and operated so as not to pose a bird hazard to aircraft.

(c) Is the facility located, or will be located, within a six-mile radius of any small general service airport runway end used by turbojet or piston-type aircraft? Yes No

(d) Is the facility located, or will be located, within a five-mile radius of any large general public airport runway end used by turbojet or piston-type aircraft? Yes No

(i) If the answer to either of subsection (c) or (d) above is "Yes," has the applicant notified the affected airport as required?
 Yes No. Explain:

(ii) Also, has the applicant notified the Federal Aviation Administration as required?
 Yes No. Explain: See Attachment No. 8

- (iii) Provide copies of the notifications to the affected airport and to FAA.
Attachment No. 8
- (iv) All landfill facilities within a six-mile radius of any small general service airport runway or within a five-mile radius of any large general public commercial airport runway shall be critically evaluated to determine if an incompatibility exists. Include any coordination received from the affected airport and from the FAA concerning compatibility.
Not applicable
- (e) Will the subject landfill accept waste streams that include putrescible waste?
 Yes No.
- (i) If the answer to subsection (e) is "Yes," address the potential for the facility to attract birds and cause significant hazards to low-flying aircraft. Guidelines regarding location of landfills near airports can be found in Federal Aviation Administration Order 5200.5(A), January 31, 1990 (or the replacement active orders, notices, and advisory circular guidelines from the FAA can be used).

**XI. General Geology and Soils Statement and Location Restrictions -
30 TAC §330.61(j) and §§ 330.555 - 330.559**

1. Discuss in general terms the geology and soils of the proposed site.

The Hawthorn Park RDF is located on the Quaternary sediments of the Gulf Coastal Plain. Thousands of feet of clastic sediments underlie the Gulf Coastal Plain. These deposits represent continental (alluvial plain), transitional (delta, lagoon, and beach), and marine (continental shelf) deposition of sand, gravel, silt, and clay, with progressively finer-grained sediments occurring gulfward.

2. Fault Areas

- (a) Will the municipal solid waste landfill units at the facility or a lateral expansion of the facility be located within 200 feet of a fault that has had displacement in Holocene time?
 Yes No
If the answer is "Yes," provide demonstration to show that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the landfill unit and will be protective of human health and the environment. Attachment No.:
- (b) Is the facility located within areas that may be subject to differential subsidence or active geological faulting? Yes No
If the answer is "Yes," provide a detailed fault study. Attachment No.:
- (c) Is an active fault known to exist within 1/2 mile of the site? Yes No
If the answer is "Yes," investigate the site for unknown faults and discuss its results.
Attachment No.: ⁹
- (d) Is the facility located in areas experiencing withdrawal of crude oil, natural gas, sulfur, etc., or significant amounts of groundwater? Yes No
If the answer is "Yes," investigate the site in detail for the possibility of differential subsidence or faulting that could adversely affect the integrity of landfill liners and discuss the site investigation and its results. Attachment No.: ¹¹
- (e) If conducted, were the studies of differential subsidence or faulting conducted under the direct supervision of a licensed professional engineer experienced in geotechnical engineering or a licensed professional geoscientist qualified to evaluate conditions of differential subsidence or faulting? Yes No. Explain
See Part III Attachment 4

(f) If conducted, do the studies of differential subsidence or faulting establish the limits (both upthrown and downthrown) of the zones of influence of all active faulted areas within the site vicinity? Yes No. Explain See Part III Attachment 4

(g) If conducted, do the studies of differential subsidence include information or data addressing the following shown below, as applicable:

Table X-1. Information included in Fault Area Studies

Information to be included, as applicable:	Yes	Not Applicable
(i) structural damage to constructed facilities (roadways, railways, and buildings);	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) scarps in natural ground;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) presence of surface depressions (sag ponds and ponded water);	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) lineation's noted on aerial maps and topographic sheets;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(v) structural control of natural streams;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(vi) vegetation changes;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(vii) crude oil and natural gas accumulations;	<input type="checkbox"/>	<input type="checkbox"/>
(viii) electrical spontaneous potential and resistivity logs (correlation of subsurface strata to check for stratigraphic offsets);	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ix) earth electrical resistivity surveys (indications of anomalies that may represent fault planes);	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(x) open cell excavations (visual examinations to detect changes in subsoil texturing and/or weathering indicating stratigraphic offsets);	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(xi) changes in elevations of established benchmarks; and	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(xii) references to published geological literature pertaining to area conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(h) If the site is or will be located within a zone of influence of active geological faulting or differential subsidence, does the application provide substantial evidence that the zone of influence will not affect the site?
Yes No Attachment No.:

Address the following statement:

3. No solid waste disposal shall be accomplished within a zone of influence of active geological faulting or differential subsidence because active faulting results in slippage along failure planes, thus creating preferred seepage paths for liquids.

4. Seismic Impact Zones

(a) Is the proposed facility located in a seismic impact zone, as defined in 30 TAC §330.557?
Yes No
 Provide information to support response. Attachment No.: 10

- (b) For facilities located in a seismic impact zone, provide a detailed demonstration showing that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site. Attachment No.: N/A

5. Unstable Areas

- (a) Is the facility located in an unstable area, as defined in 30 TAC §330.559?

Yes No Explain: See Attachment No. 10

- (b) If the facility is located in an unstable area, provide a demonstration that engineering measures have been incorporated into the landfill unit's design to ensure that the integrity of the structural components of the landfill unit will not be disrupted.

Attachment No.:

The demonstration considered at least the following factors:

- (i) on-site or local soil conditions that may result in significant differential settling;

Yes No

- (ii) on-site or local geologic or geomorphologic features; Yes No and

- (iii) on-site or local human-made features or events (both surface and subsurface).

Yes No

XII. Groundwater and Surface Water - 30 TAC §330.61(k) and §330.549

1. Groundwater

Provide an attachment containing data about the site-specific groundwater conditions at and near the site, from published and open-file sources, including:

- Aquifer names and their association with geologic units described in the General Geology and Soils Statement;
- Groundwater quality, including, if available, typical values or value ranges for total dissolved solids content; and
- Present use(s) of groundwater withdrawn from aquifers at and near the site, if available.

Attachment No.: 12

Address the following as applicable:

- (a) Is the facility located over the Edwards Aquifer recharge zone, as defined in 30 TAC §330.549? Yes No.

If yes, discuss how the facility will comply with the applicable requirements in 30 TAC Chapter 213 (relating to Edwards Aquifer).

- (b) A Type I or Type IAE landfill is prohibited on the recharge zone of the Edwards Aquifer; the applicant will not locate a Type I or Type IAE landfill on the recharge zone of the Edwards Aquifer. Select either statement that applies:

(i) The facility is not or will not be located over the Edwards Aquifer Recharge Zone.

(ii) The facility is not a Type I or Type IAE landfill.

- (c) A new landfill cell or an aerial expansion of an existing landfill cell managing Class 1 non-hazardous industrial solid waste may not be located in areas described in 30 TAC § 335.584(b)(1) and (2) (relating to Location Restrictions), unless the Executive Director (ED) approves an engineered design that the applicant has demonstrated will provide equal or greater protection to human health and the environment:

- (i) Does the application propose Class 1 nonhazardous industrial solid waste cells or units at the subject facility? Yes No
- (ii) If yes, discuss how the facility would comply with the location restriction requirements under 30 TAC §335.584(b)(1) and (2). Include any applicable equivalency demonstration that would provide equivalent or greater protection to human health and the environment. Attachment No.:

2. Surface Water

- (a) Provide data on surface water at and near the site (including lakes, ponds, creeks, streams, rivers, or similar water bodies).

Attachment Nos.: 13

- (b) Provide information demonstrating how the municipal solid waste facility will comply with applicable Texas Pollutant Discharge Elimination System (TPDES) storm water permitting requirements and the Clean Water Act, §402, as amended See Attachment 13

- (i) The facility has obtained TPDES permit coverage under the following individual wastewater permit(s) (list permit number(s)): TXR05T969 . A copy of the permit(s) is provided in Attachment No.: 13 , or
- (ii) A certification statement indicating that the applicant will obtain the appropriate TPDES permit coverage when required.
Yes No. Explain

XIII. Abandoned Oil and Water Wells - 30 TAC §330.61(I)

1. Water Wells

- (a) Are there any existing or abandoned water wells within the facility? Yes No

- (i) If no, move to Item No. 2 below.

- (ii) If yes, address the following:

- (1) Provide a map showing the water well locations, identity, status, and use. Attachment No.: 15
 - (2) Will all the water wells be capped, plugged, and closed prior to construction at the facility? Yes No.
 - (3) If yes, provide written certification that all such wells will be capped, plugged, and closed in accordance with all applicable rules and regulations of TCEQ or other state agency within 30 days prior to construction at the facility. Attachment No.:
 - (4) If no, identify and describe the water wells that will be capped, plugged, and closed in accordance with all applicable rules and regulations of TCEQ or other state agency. Attachment No.: 15
 - (5) Also, identify the wells necessary for use, and that will remain in use, for supply for operations at the facility. Attachment No.: 15
 - (6) Are the water wells that will remain in use for supply for operations at the facility located outside of the groundwater monitoring well network and not subject to impact from landfill operations? Yes No. If no, explain The wells are located within the permit boundary of the facility.
 - (7) The water wells that will remain in use for supply for operations at the facility and that are located inside of the groundwater monitoring network, but outside the landfill unit boundary, are identified in Attachment No.: 15 for ED approval.

2. Oil and Gas Wells

(a) Are there any existing or abandoned on-site crude oil, natural gas, or other wells associated with mineral recovery under the jurisdiction of the Railroad Commission of Texas?

Yes No

(i) If yes, address the following items:

(1) Provide a map showing well locations, identity, type, and status.

Attachment No.: 15

(2) Identify and annotate the oil or natural gas wells that are producing and will remain in their current state, provided such wells do not affect or hamper landfill operations. There are none that will remain.

(3) Provide written certification that all the oil and natural gas wells, other than the producing wells approved for retention, have been properly capped, plugged, and closed at the time of application in accordance with all applicable rules and regulations of the Railroad Commission of Texas.

Attachment No.: 15

XIV. Floodplains - 30 TAC §330.61(m)(1) and §330.547

1. Describe the location of the facility with respect to floodplains.

The effective FIRM indicates that the proposed permit boundary contains a small portion (less than one-tenth of an acre) of regulated 100-year FEMA floodplain as defined in the FEMA FIRM. The facility received approval from FEMA for a Letter of Map Amendment (LOMA). The approved LOMA removes the Special Flood Hazard designation within the proposed permit amendment boundary.

2. Provide a copy of the Federal Emergency Management Administration (FEMA) flood map for the area to show the facility boundary and to illustrate the information described in Section 1 above. Attachment No.: 16

3. For construction of levees or other improvements associated with flood control on the proposed facility, provide data on floodplains in accordance with 30 TAC Chapter 301 Subchapter C (relating to Approval of Levees and Other Improvements). N/A

4. Address the following requirements with regard to the location of the facility:

(a) Provisions to ensure that no solid waste disposal operation is conducted within the facility in areas that are located in a 100-year floodway as defined by FEMA. Floodway not present on the facility

(b) Designs that demonstrate that municipal solid waste management units, including storage and processing facilities, located in 100-year floodplains will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment.

No 100-year floodplain on facility.

(c) Demonstrate MSW storage and processing facilities shall be located outside of the 100-year floodplain unless the owner or operator demonstrates that the facility is designed and will operate to prevent washout during a 100-year storm event, or obtains a conditional letter of map amendment from FEMA. No 100-year floodplain on facility.

- (d) If applicable, provide a copy of the conditional letter of map amendment (or other applicable FEMA approval) from the FEMA administrator for development within a floodplain.
See Attachment 17
- (e) References to provisions, designs, and narratives regarding floodplains in Part III of the application. No 100-year floodplain on facility.

XV. Wetlands - 30 TAC §330.61(m)(2) and §330.553

1. Provide a wetlands determination under applicable federal, state, and local laws and discuss wetlands in accordance with 30 TAC §330.553. Demonstration can be made by providing evidence that the facility has a Corps of Engineers permit for the use of any wetlands area.
Attachment No.: 18

- (a) If applicable, provide a copy of any Corps of Engineers permit issued to the applicant for the use of any wetlands area within the facility. Attachment No.: N/A

2. Identify wetlands located within the facility boundary, attach necessary maps and drawings.

See Attachment No. 18

3. Where new municipal solid waste landfill units, lateral expansions, material recovery operations from a landfill, and storage or processing units are to be located in wetlands, discuss the identified wetlands considering the following:

- (a) Locating the landfill units, lateral expansions, material recovery operation from a landfill, and storage or processing units away from the identified wetlands. See Attachment No. 18

- (b) Steps taken to avoid impacts to wetlands to the maximum extent practicable to achieve no net loss of wetlands (as defined by acreage and function).

See Attachment No. 18

- (c) For unavoidable impacts:

- (i) Clearly rebut the presumption that a practicable alternative to the proposed facility or recovery operation is available that does not involve wetlands.

See Attachment No. 18

- (ii) Demonstrate that the construction and operation of the municipal solid waste landfill unit, material recovery operation from a landfill, and storage or processing units will not:

- (1) cause or contribute to violations of any applicable state water quality standard;

See Attachment No. 18

- (2) violate any applicable toxic effluent standard or prohibition under the Clean Water

See Attachment No. 18

- (3) jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973; or

See Attachment No. 18

- (4) violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary.

See Attachment No. 18

- (iii) Demonstrate the integrity of the landfill unit and its ability to protect ecological resources by addressing the following factors showing that the municipal solid waste landfill unit or recovery operation will not cause or contribute to significant degradation of wetlands:
See Attachment No. 18
 - (1) erosion, stability, and migration potential of native wetland soils, muds, and deposits used to support the landfill unit; See Attachment No. 18
 - (2) erosion, stability, and migration potential of dredged and fill materials used to support the landfill unit; Att 18
 - (3) the volume and chemical nature of the waste managed in the landfill unit; Att 18
 - (4) impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste; Att 18
 - (5) the potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and Att 18
 - (6) any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected. Att 18
- (iv) Demonstrate steps taken to minimize unavoidable impacts to wetlands to the maximum extent practicable. See Attachment No. 18
- (v) Demonstrate offsetting of remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands). Att 18

XVI. Endangered or Threatened Species - 30 TAC §330.61(n) and §330.551

- 1. Provide Endangered Species Act compliance demonstrations as required under applicable state and federal laws. Attachment No.: 19
- 2. Determine and discuss whether the facility is in the range of endangered or threatened species.
See Attachment 19
- 3. If the facility is located in the range of endangered or threatened species, provide a biological assessment prepared by a qualified biologist in accordance with standard procedures of the United States Fish and Wildlife Service (USFW) and the Texas Parks and Wildlife Department (TPWD) to determine the effect of the facility on the endangered or threatened species. Where a previous biological assessment has been made for another project in the general vicinity, a copy of that assessment may be submitted for evaluation. Attachment No.: Att 19
- 4. Provide coordination correspondence with and responses from the USFW and the TPWD concerning locations and specific data relating to endangered and threatened species in Texas.
See Attachment 19
- 5. Describe how the facility will comply with recommendations from the TPWD and USFW regarding protection of endangered and threatened species.
See Attachment 19
- 6. Discuss the impact of the solid waste disposal facility upon endangered or threatened species:
See Attachment 19

7. Describe how the facility design, construction, and operation will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species.

See Attachment 19

XVII. Texas Historical Commission Review 30 TAC §330.61(o)

1. Provide correspondence to and a review letter from the Texas Historical Commission documenting compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code.
Attachment No.: 20

XVIII. Council of Governments 30 TAC §330.61(p)

1. Provide documentation that Parts I and II of the application were submitted to the applicable council of governments for compliance with regional solid waste plans. Also provide a review letter if received from the applicable council of governments.
Attachment No.: 21
2. Provide documentation that a review letter was requested from any local governments as appropriate for compliance with local solid waste plans.
Attachment No.: 21

XIX. Easement Protections 30 TAC §330.543(a)

1. Will the applicant design and operate the facility such that no solid waste unloading, storage, disposal, or processing operations will occur within any easement, buffer zone, or right-of-way that crosses the facility? Yes
2. Will the applicant design and operate the facility such that no solid waste disposal shall occur within 25 feet of the center line of any utility line or pipeline easement but no closer than the easement? Yes
3. Will the applicant clearly mark all pipeline and utility easements with posts that extend at least six feet above ground level, spaced at intervals no greater than 300 feet?
Yes

XX. Buffer Zones 30 TAC §330.543(b)

1. Provide the buffer zone distance (i.e. 50 feet for Arid Exempt and Type IV landfills, 125 feet for Type I landfills) at the facility to demonstrate compliance with 30 TAC §330.543(b).
See Attachment 22
2. Provide references for the application drawings and maps that clearly show the buffer zones around the facility. Attachment(s) No.: 22

XXI. Coastal Areas 30 TAC §330.561

1. A new landfill cell or an aerial expansion of an existing landfill cell managing Class 1 industrial solid waste (other than waste which is Class 1 because of asbestos content) may not be located in areas:
 - (a) On a barrier island or peninsula.
 - (b) Within 1,000 feet of an area subject to active coastal shoreline erosion, if the area is protected by a barrier island or peninsula, except as allowed under 30 TAC §335.584(b)(4).
 - (c) Within 5,000 feet of coastal shorelines that are subject to active shoreline erosion and which are unprotected by a barrier island or peninsula, except as allowed under 30 TAC §335.584(b)(4).
2. Describe the location of the facility with regard to distance to coastal shoreline subject to active shoreline erosion.

The Hawthorn Park RDF is not located on a barrier island or peninsula or within 5,000 feet of an area subject to active coastal shoreline erosion. Additionally, the facility will not accept or manage Class 1 industrial solid waste.

XXII. Type I and Type IV Landfill Permit Issuance Prohibited – 30 TAC §330.563

Address the following statements.

1. The commission may not issue a permit for a Type IV landfill that is subject to the conditions specified in Texas Health and Safety Code, §361.122, Denial of Certain Landfill Permits. Is the proposed facility a Type IV landfill located in the area subject to the referenced statute?
 Yes No Explain See Part II Section 18.2
2. The commission may not issue a permit for a Type I or Type IV landfill that is subject to the conditions specified in Texas Health and Safety Code, §361.123, Limitation on Locations of Municipal Solid Waste Landfills. Is the proposed facility a Type I or Type IV landfill located in the area subject to the referenced statute?
 Yes No Explain See Part II Section 18.2

Attachments

Table Att-1. Required Attachments

Attachments	Attachment No.
Existing Conditions Summary	1
Waste Acceptance Plan Form	2
General Location Maps	3
Facility Layout Maps	4
General Topographic Maps	5
Aerial Photographs	6
Land Use Map	7
Transportation and Airport Safety Form	N/A Type IV
Federal Aviation Administration Coordination Letters, if applicable	8
Entity Exercising Maintenance Resp. of Public Roadway, if applicable	N/A
Fault Lines, if applicable	9
Seismic Impact Zones, if applicable	10
Unstable areas, if applicable	11
Site Specific Groundwater Conditions	12
Site Specific Surface Water Conditions	13
Texas Pollutant Discharge Elimination System (TPDES)	14
Abandoned Oil and Water Wells, if applicable	15
FEMA Map	16
Facility Design Demonstration for Flood Map, or Conditional Letter of Map Amendment from FEMA, if applicable	17
Wetland Documentation, if applicable	18
Endangered or Threatened Species Documents, if applicable	19
Texas Historical Commission Letter(s)	20
Council of Governments/Local Governments Review Request Coordination Letter(s)	21
Buffer Zones	22
Others (describe): Well Information	23
Others (describe):	
Others (describe):	
Confidential Documents, if applicable	