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Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 2, 2020

Mr. Michael Valenzuela
Managing Partner
Diamond Back Recycling And Sanitary Landfill, LP
P.O. Box 2283
Odessa, Texas 79760

Re: Proposed Diamond Back Solid Waste Facility and Recycling Center - Ector County
Municipal Solid Waste (MSW) - Permit Application No. 2404
Technical Review Complete
Tracking No. 24409148; RN109839597/CN605388230

Dear Mr. Valenzuela:

We have completed the technical review of your application for a municipal solid waste permit for the above-referenced facility. The following items are enclosed:

- Technical Summary
- Compliance History
- Draft Permit
- Executive Director's Preliminary Decision

The Office of the Chief Clerk will send you instructions for how to publish a notice and where to place the required documents for public viewing or copying.

If you owe any delinquent administrative penalties or fees to the TCEQ be sure to pay them. Failure to do so may delay final action on this application

If you have any questions, please call Mr. Chandra Yadav, P. E. at (512) 239-6727, or in writing at the address on our letterhead (please include mail code MC 124 on the first line).

Sincerely,

A handwritten signature in cursive script that reads "cgoodin".

Chance Goodin, Manager
Municipal Solid Waste Permits Section
Waste Permits Division

CG/CY/sm

cc: Mr. Todd Stiggins, Parkhill Smith and Cooper, Inc. Lubbock

Enclosures

**Technical Summary
of the
Proposed Diamond Back Solid Waste Facility and
Recycling Center
Municipal Solid Waste Permit
Application No. 2404**

**Type I Municipal Solid Waste Facility
Ector County, Texas**

**Applicant:
Diamond Back Recycling and Sanitary Landfill, LP**

Date Prepared: August 2020

By the
Municipal Solid Waste (MSW) Permits Section
Office of Waste, Waste Permits Division
Texas Commission on Environmental Quality

This summary was prepared in accordance with 30 Texas Administrative Code Section 281.21(c). The information contained in this summary is based upon the permit application and has not been independently verified.

Technical Summary

Diamond Back Solid Waste Facility and Recycling Center - Permit No. 2404

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Name of Applicant: Diamond Back Recycling and Sanitary Landfill, LP

Name of Facility: Diamond Back Solid Waste Facility and Recycling Center

Applicant's Contact Person: Michael G. Valenzuela, Managing Partner
P.O. Box 2283
Odessa, TX 79760
Phone No. (432) 332-3866

Applicant's Consulting Engineer: Todd E. Stiggins, P. E.
Parkhill, Smith and Cooper, Inc.
4222 85th St, Lubbock
TX 79423
Phone No. (806) 473-3683

1. General

1.1 Purpose

The applicant has submitted this application requesting authorization to construct and operate a new municipal solid waste (MSW) landfill in Ector County, Texas. The proposed landfill is a Type I municipal solid waste landfill with separate Type I and Type IV units. The facility would include 202 acres within the proposed permit boundary, of which approximately 124.6 acres will be used for waste disposal. The maximum elevation of the final cover will be 3,172.7 feet above mean sea level (msl).

1.2 Wastes to be Accepted

Solid waste to be disposed of will consist of waste from and incidental to municipal, community, commercial, institutional, recreational and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, abandoned automobiles, construction-demolition waste, yard waste, Class 2 non-hazardous industrial solid waste, Class 3 non-hazardous industrial solid waste, and special waste. The proposed landfill will not be authorized to accept wastes other than the wastes mentioned above and will not accept those waste streams that are expressly prohibited by 30 Texas Administrative Code (TAC) Chapter 330.

1.3 Waste Acceptance Rate and Site Life

Authorized wastes may be accepted at an initial rate of approximately 145 tons/day at the Type I landfill unit and 55 tons/day at the Type IV landfill unit and is projected to increase to an estimated maximum of 262.49 tons/day at the Type I landfill unit and 109.98 tons/day at the Type IV landfill unit. The estimated site life

is approximately 52 years for the Type I landfill unit and 62 years for the Type IV landfill unit. The site life may be longer if the actual waste acceptance rate is less than anticipated, or shorter if the actual waste acceptance rate is greater than anticipated.

2. Technical Review

The application has been technically reviewed by the Municipal Solid Waste Permits Section to determine its compliance with the applicable requirements in 30 TAC Chapters 305 and 330. Chapter 330 contains the minimum regulatory criteria for municipal solid waste facilities. It has been determined that the information in the permit application, along with the draft permit, demonstrates compliance with these regulatory requirements. A draft permit has been prepared, and the application has been determined to be technically complete.

3. Location and Size

3.1 Location

The facility is proposed to be located at 2301 South FM 866, Odessa, Texas 79763 in Ector County, Texas. The primary access to the site is located along FM 866. The facility is located approximately 2 miles northwest of the intersection of FM 866 and Interstate 20.

3.2 Elevation and Coordinates of Permanent Benchmark

Latitude: N 31° 47' 21.03"

Longitude: W 102° 33' 00.31"

Elevation: 3094.73 feet above mean sea level

3.3 Size

The total area within the permit boundary under the proposed permit is approximately 202 acres.

4. Facility Design, Construction, and Operation

4.1 Facilities Authorized

The permit will authorize the operation of a Type I municipal solid waste landfill, including Type IV landfill units, with a total net disposal volume (including waste and operational covers) of approximately 11.1 million cubic yards in addition to support structures and facilities as described in the permit application and subject to the limitations contained in the permit and commission rules.

The facility consists of a site entrance with security fencing, a gatehouse, scales, a paved entrance road to the site, all-weather access roads, soil stockpiles, landfill gas monitoring system, leachate collection system, groundwater monitoring system, and the solid waste disposal area. Structures for surface drainage and stormwater run-on/runoff control include a perimeter drainage system to convey stormwater runoff around the site, berms, ditches, detention ponds and associated drainage structures.

4.2 Waste Placement

The maximum elevation of waste placement will be approximately 3,165.5 feet above msl. The minimum elevation of waste placement will be approximately 3,025 feet above msl. The deepest excavation elevation for the liner and sumps is approximately 3,020 feet above msl and occurs in a leachate sump in the landfill Type I Unit/Cell 1.

4.3 Liner

A liner system meeting the requirements of 30 TAC Chapter 330 Subchapter H will be constructed. It will consist of the following components (listed in order from top to bottom of liner system) for both the Type I and the Type IV units, except that leachate collection geocomposite layer will not apply to the Type IV units:

- Geocomposite layer (geotextile on both sides of geonet will be minimum of 8-ounce/sq.yd)
- 60-mil High Density Polyethylene (HDPE) geomembrane liner
- Reinforced Geosynthetic Clay Liner (GCL) with hydraulic conductivity of 5×10^{-9} cm/s or less
- 30-mil HDPE to avoid direct contact with the caliche subgrade to prevent ion-exchange

The liner system will be overlain by a leachate collection system and 2 feet of protective cover.

4.4 Final Cover System

The final cover system is designed to meet the requirements of 30 TAC Chapter §330 Subchapter K and will be placed on the above-grade waste. Each cell or phase will be covered with a composite final cover or an alternate final cover over both Type I and Type IV disposal areas consisting of the following components (listed in order from top to bottom).

- Minimum of 6 inches of erosion layer capable of sustaining native plant growth
- Double sided geo-composite drainage layer
- 40-mil LLDPE geomembrane

- 18 inches of infiltration layer with a coefficient of permeability no greater than 1×10^{-5} cm/sec

An alternate cover (Water Balance Final Cover) construction shall be subject to pre-approval by a permit modification from TCEQ to include complete design of the final cover. Pre-construction testing will be conducted on the borrow soil material. Thickness of Water Balance Final Cover will be determined from hydraulic conductivity of the borrow soil.

4.5 Leachate Collection System

The leachate collection system (LCS) consists of a leachate collection layer (geo-composite drainage layer), leachate collection trenches, pipes, sumps, risers, and pumps in Type I units. LCS requirements do not apply for Type IV units. Leachate re-circulation is not proposed for this facility. Collected leachate and contaminated water will be transported to an evaporation pond for treatment and disposal. The site may transport leachate to a properly permitted offsite wastewater treatment plant if pond is at maximum capacity. The leachate collection system is designed to meet the requirements of 30 TAC §330.333 and will be placed on top of the liner system.

5. Land Use

Land use in the vicinity of the site was evaluated in accordance with 30 TAC §330.61(h).

5.1 Zoning

The proposed facility will be located outside of the city limits of Odessa. No zoning map is available for the proposed facility location within and 2 miles of the facility for the county where the landfill will be located. The site does not require approval for nonconforming use nor a special permit from the local government.

5.2 Surrounding Land Uses

The surrounding land within one mile of the complex consists mostly of un-zoned areas, vacant lots, and rural agricultural lands, although some residential land uses exists within one mile of the facility. The residential land use is limited to single-family and mobile-home residences. Some commercial land use exists within the one mile of the landfill. A number of inhabitable structures are concentrated mostly east of the landfill within one mile of the facility.

5.3 Residences and Businesses

There are 114 single family residences and 118 mobile homes on real estate properties within one mile of the proposed permit boundary. The nearest residential establishment is 1,567 feet southeast of the facility. There are five commercial establishments within one mile of the proposed permit boundary. The nearest commercial establishment is 1,400 feet southwest from the facility.

5.4 Schools, Churches, and Historical Sites

There are no known schools and churches within one mile of the permit boundary. There are no known historical sites located within one mile of the permit boundary.

5.5 Growth Trends

There is no zoning nor any trend of population growth in the vicinity of the site. The area within 5 miles of the landfill site is not zoned. The area is used for agricultural, industrial, residential, vacant lot, drill site, rural, commercial, electrical company, and for other purposes. Previously, the property was used for ranchland. The closest city is Odessa, Texas, northeast of the facility.

6. Location Restrictions

Location restrictions for municipal solid waste landfills are set forth in 30 TAC Chapter 330 Subchapter M.

6.1 Airport Safety

The application indicates that there are no airports within six miles of the facility, and that the landfill is not located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft. FAA coordination documentation is included in Appendix II.H of the Part II of the application. The facility is considered to be in compliance with 30 TAC §330.545.

6.2 Floodplains

The permit boundary is not located within a 100-year floodplain. The facility is considered to be in compliance with 30 TAC §330.547.

6.3 Wetlands

There are no jurisdictional wetland areas within the permit boundary. The facility is considered to be in compliance with 30 TAC §330.553.

6.4 Fault Areas and Seismic Impact Zones

There are no known faults within 200 feet of the site in accordance with 30 TAC §330.555. The facility is not located within a seismic impact zone as defined in 30 TAC §330.557. Therefore, the facility is considered to be in compliance with 30 TAC §330.555 and §330.557.

6.5 Unstable Areas

No known unstable areas as defined in 30 TAC §330.559 were found at the site. The facility is considered to be in compliance with 30 TAC §330.559.

6.6 Protection of Endangered Species

Correspondence with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department indicates that no impacts to threatened or endangered plant or animal species are expected from the proposed operation of this facility.

7. Transportation and Access

The main public roadway providing access to the site is located along FM 866. The access road, FM 866 is a two-lane paved road, maintained by the Texas Department of Transportation (TXDOT). The landfill facility is expected to contribute approximately 102 vehicles per day in the first year of operation to over 256 vehicles per day towards the end of the facility life. The traffic volume in the initial year is increased by less than 3 percent. This information is contained in the application and indicates that this road can sufficiently handle the current and anticipated future traffic volumes associated with this facility.

TxDOT Odessa District has reviewed the proposal for the above-mentioned site and concurred with the following conditions.

- The facility will submit a driveway permit for the reconstruction of the existing access to meet current Access Management Standards for TxDOT and guidance from the Odessa District to include the shoulder widening on the driveway side of FM 866 for 250 feet on either side of the driveway after the municipal solid waste permit is issued and prior to construction of the proposed improvements.
- The facility will prepare and provide an updated traffic analysis upon a formal request from TxDOT after facility is fully operational.

8. Surface Water Protection

As defined in 30 TAC §330.3, contaminated water is water which has come into contact with waste, leachate, or gas condensate. Stormwater which comes into contact with solid waste will be considered contaminated water. Temporary berms will be constructed to minimize the amount of surface water that comes into contact with the waste. Contaminated stormwater at the working face will be contained by run-on/run-off berms. Contaminated surface water and groundwater will not be placed in or on the landfill. Contaminated water will be transported to an authorized facility for treatment and disposal.

9. Groundwater Protection

9.1 Groundwater Protection:

The liner system and leachate collection system will provide protection of groundwater from contamination.

9.2 Monitoring Wells:

The groundwater monitoring system which will provide for detection of potential releases from the facility will consist of 11 monitor wells, including 10 point of compliance wells and 1 upgradient well. The ten point of compliance wells meet the 600-foot spacing requirements. These monitor wells are designed to screen in the basal section of the Edwards-Trinity Aquifer in the Antlers Formation and a few feet into the lower confining unit Dockum Formation.

The groundwater monitor wells will be sampled, and the samples analyzed in accordance with the procedures in the Groundwater Sampling and Analysis Plan in Attachment F to Part III of the application, which is part of the facility permit.

10. Landfill Gas Management

Landfill gas migration will be monitored around the perimeter of the facility utilizing permanent landfill gas monitoring probes. TCEQ regulations require that gas monitoring be conducted quarterly to detect any possible migration of methane gas beyond the facility property boundary and in enclosed structures within the facility property boundary.

11. Site Development Plan and Site Operating Plan

The Site Development Plan (SDP) is Part III of the permit application and sets forth the engineering design and other technical aspects of the facility. The Site Operating Plan (SOP) is Part IV of the permit application. The SOP provides operating procedures for the site management and the site operating personnel for the daily operation of the facility to maintain the facility in compliance with the engineering design and applicable regulatory requirements. These documents become part of the permit.

12. Financial Assurance

Authorization to operate this facility is contingent upon the maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter L and Chapter 37 (Financial Assurance) for closure and post-closure care.

13. Public Participation Process

The public can participate in the final decision on the issuance of a permit as follows:

- 13.1 The TCEQ will hold a public meeting if the executive director determines that there is substantial public interest in the application or if requested by a local legislator. During this meeting the commission accepts formal comments on the application. There is also an informal question and answer period.

- 13.2 After technical review of the application is completed, a final draft permit is prepared, and the application is declared technically complete. Information for the application, the draft permit, the notice, and summaries are sent to the chief clerk's office for processing.
- 13.3 The "Notice of Application" is sent to the applicant and published in the newspaper. This notice provides a 30-day period, from the date of publication, for the public to make comment(s) about the application or draft permit. The notice also allows the public to request a public meeting for the proposed facility.
- 13.4 After the 30-day comment period has ended, a "Response to Comments" (RTC) is prepared for all comments received through the mail and at a public meeting. The RTC is then sent to all persons who commented on the application. Persons who receive the comments have a 30-day period after the RTC is mailed in which to request a public hearing.
- 13.5 After the 30-day period to request a hearing is complete, the matter is placed on an agenda meeting for the TCEQ commissioners to make a determination to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.
- 13.6 A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant party(ies) present witnesses and testimony to support or dispute information contained in the application. When all of this is complete, the ALJ will issue a Proposal for Decision (PFD). This PFD is placed on an agenda meeting of the TCEQ commissioners for consideration of issuance or denial of a permit.
- 13.7 After the commission has approved or denied an application, a motion for rehearing may be made by a party that does not agree with the decision. Any motion for rehearing must be filed no later than 25 days after the party or the party's attorney of record is notified of the decision. The matter could be set on another agenda for consideration by the commission or allowed to expire by operation of law.
- 13.8 Applications for which no one requests a contested case hearing are considered uncontested matters after the 30-day comment period. The application is placed on the executive director's signature docket and a permit is issued. Any motion to overturn the executive director's decision must be filed no later than 23 days after the agency mails notice of the signed permit.

14. Additional Information

For information concerning the regulations covering this application, contact the Municipal Solid Waste Permits Section:

Mr. Chandra S. Yadav, P. E.
Municipal Solid Waste Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711
(512) 239-6727

For more detailed technical information concerning any aspect of this application or to request a copy of the Site Development Plan, please contact the consulting engineer or the applicant at the address provided at the beginning of this summary.

The application can be viewed on the internet at
http://www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw_posted_apps.html

For information concerning the legal aspects of the hearing process, agency rules, and submitting public comments, please contact the Texas Commission on Environmental Quality's Office of the Public Interest Counsel at (512) 239-6363.



Compliance History Report

Compliance History Report for CN605388230, RN109839597, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN605388230, Diamond Back Recycling And Sanitary Landfill, LP	Classification: UNCLASSIFIED	Rating: -----
Regulated Entity:	RN109839597, DIAMOND BACK RECYCLING AND SANITARY LANDFILL	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	10	Repeat Violator: NO	
CH Group:	11 - Waste Management (Excluding Landfills)		
Location:	2301 S FM 866 ODESSA, TX 79763, ECTOR COUNTY		
TCEQ Region:	REGION 07 - MIDLAND		

ID Number(s):			
MUNICIPAL SOLID WASTE DISPOSAL PERMIT 2404		MUNICIPAL SOLID WASTE PROCESSING REGISTRATION 100494	

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: July 29, 2020

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: July 29, 2020 to July 29, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Mr. Chandra Yadav

Phone: (512) 239-6727

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Texas Commission on Environmental Quality



Permit for a Municipal Solid Waste (MSW) Management Facility

Issued under provisions of Texas
Health & Safety Code
Chapter 361

MSW Permit No.: 2404

Name of Site Operator/Permittee: Diamond Back Recycling And Sanitary Landfill, LP

Property Owner: Diamond Back Solid Waste Facility and Recycling Center

Facility Name: Diamond Back Solid Waste Facility and Recycling Center

Facility Address: 2301 South FM 866, Odessa, Texas 79763

Facility Classification: Type I Municipal Solid Waste Management Facility

The permittee is authorized to store, process, and dispose of wastes in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules and orders of the Commission and laws of the State of Texas and it replaces any previously issued permit. Nothing in this permit exempts the permittee from compliance with other applicable rules and regulations of the Texas Commission on Environmental Quality. This permit will be valid until canceled, amended, or revoked by the Commission.

Approved, Issued and Effective in accordance with Title 30 Texas Administrative Code (30 TAC) Chapter 330.

Issued Date:

For the Commission

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I. Facility Location and Size

A. Facility Physical Location

Diamond Back Solid Waste Facility and Recycling Center
2301 South FM 866
Odessa, Ector County, Texas 79763

B. Facility Permanent Benchmark

Latitude: 31° 47' 21.03" N
Longitude: 102° 33' 00.31" W
Elevation: 3094.73 feet above mean sea level (msl)

C. Facility Legal Description

The legal description is contained in Appendix I.C in Part I found in Attachment A of this permit.

D. Facility Size

202 Acres.

II. Hours of Waste Acceptance and Operation

- A. The waste acceptance hours at this facility shall be any time between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. The operating hours at this landfill which include the use of heavy equipment shall be any time between the hours of 5:00 a.m. to 9:00 p.m. Monday through Sunday.
- B. The operator shall post the actual hours and days of operation on the site sign in accordance with 30 TAC Section (§) 330.137.
- C. In accordance with 30 TAC §330.135(c) and (d), the TCEQ Regional Office may allow additional temporary operating hours to address disaster or other emergency situations, or other unforeseen circumstances that could result in the disruption of waste management services in the area. The facility must record, in the site operating record, the dates, times, and duration when any alternative operating hours are utilized.

III. Authorized Waste Streams, Waste Acceptance Rate, and Landfill Disposal Capacity

A. Authorized Waste Streams

The permittee is authorized to dispose of municipal solid waste as defined in 30 TAC §330.3(88), construction-demolition waste, yard waste, Class 2 non-hazardous industrial solid waste, Class 3 non-hazardous industrial solid waste, and specific special wastes identified in Part IV found in Attachment A of this permit. The acceptance of the special wastes is contingent upon such waste being handled in accordance with 30 TAC §330.171, and in accordance with the listed and described procedures in Part IV found in Attachment A of this permit, subject to the provisions of this permit.

B. Prohibited Waste Streams

The permittee shall not accept or knowingly dispose of the wastes listed in 30 TAC §330.15(e), subject to the provisions therein. The permittee shall not accept or knowingly dispose of Class 1 nonhazardous industrial solid waste, hazardous waste, liquid wastes, or any other waste not identified in Section III.A. of this permit.

C. Waste Acceptance Rate

Solid waste may be accepted for disposal at this facility at the initial rate of approximately 52,925 tons per year (approximately 145 tons per day based on 365 days-per-year of operation) and increasing over time to a maximum acceptance rate of approximately 95,811 tons per year (approximately 262.49 tons per day based on 365 days per year of operation) at the Type I landfill unit, and approximately 20,075 tons per year (approximately 55 tons per day based on 365 days-per-year of operation) and increasing over time to a maximum acceptance rate of approximately 40,144 tons per year (approximately 109.98 tons per day based on 365 days per year of operation) at the Type IV landfill unit.

The actual yearly waste disposal acceptance rate is a rolling quantity based on the sum of the previous four quarters of waste acceptance. In accordance with 30 TAC §330.125(h), if the annual waste acceptance rate exceeds the rate estimated in the landfill permit application and the waste increase is not due to a temporary occurrence, the owner or operator shall file an application to modify the permit application, including the revised estimated waste acceptance rate, in accordance with 30 TAC §305.70(k), within 90 days of the exceedance as established by the sum of the previous four quarterly summary reports. The application must propose any needed changes in the site operating plan to manage the increased waste acceptance rate to protect public health and the environment. The increased waste acceptance rate may justify requiring permit conditions that are different from or absent in the existing permit. This provision is not intended to make an estimated waste acceptance rate a limiting parameter of a landfill permit.

D. Landfill Disposal Capacity

The total waste disposal capacity of the landfill (including waste and operational covers) is 11.1 million cubic yards.

IV. Facility Design, Construction, Operation, and Maintenance

A. General Facility Requirements

1. Facility design, construction, operation and maintenance must comply with the provisions of this permit; commission rules, including but not limited to 30 TAC Chapter 330; special provisions contained in this permit; Parts I through IV of the permit application incorporated by reference in Attachment A of this permit; and, amendments, corrections, and modifications incorporated by reference in Attachment B of this permit. The facility construction and operation shall be conducted in a manner that is protective of human health and the environment.
2. The facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant beyond the point of compliance defined in 30 TAC §330.3, and to prevent inundation or discharge from the areas surrounding the facility components. Each receiving, storage, processing, and disposal area shall have a containment system that will collect spills and incidental precipitation in such a manner that prevents:

- a. The release of any contaminated runoff, spills, or precipitation;
 - b. Washout of any waste by a 100-year frequency flood; and
 - c. Run-on into the disposal areas from off-site areas.
3. The site shall be designed and operated so as not to cause a violation of:
- a. The requirements of §26.121 of the Texas Water Code;
 - b. Any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements of §402, as amended, and/or the Texas Pollutant Discharge Elimination System (TPDES), as amended;
 - c. The requirements under §404 of the Federal Clean Water Act, as amended; and
 - d. Any requirement of an area wide or statewide water quality management plan that has been approved under §208 or §319 of the Federal Clean Water Act, as amended.

B. Authorized Waste Management Units

1. The permittee is authorized to operate a Type I municipal solid waste landfill consisting of a total permit boundary of 202 acres and a waste disposal footprint of 124.6 acres.
2. All waste disposal activities authorized by this permit are to be confined to the Type I and Type IV units at the landfill which shall include access roads, scales, gatehouse, dikes, berms and temporary drainage channels, permanent drainage structures, detention ponds, landfill gas management system, contaminated water management system, leachate management system, landfill liner and final cover systems, groundwater monitoring system, and other components.

C. Liner and Leachate Collection Systems

1. A liner and leachate collection system in accordance with 30 TAC §330.331 and §330.333 must be installed in all cells of the Type I unit, and liner system in accordance with 30 TAC §330.331 must be installed in all cells of the Type IV unit. The leachate collection system (LCS) requirements do not apply for Type IV units. The LCS consists of a leachate collection layer (geo-composite drainage layer), leachate collection trenches, pipes, sumps, risers, and pumps. The liner and leachate collection systems shall be designed and constructed in accordance with the rules and the specifications in Part III found in Attachment A of this permit, and must consist of the following components (listed in order from top to bottom of liner system):
 - Geo-composite drainage layer (geotextile on both sides of geonet of minimum of 8-ounce/sq.yd)
 - 60-mil High Density Polyethylene (HDPE) geomembrane liner
 - Reinforced Geosynthetic Clay Liner (GCL) with hydraulic conductivity of 5×10^{-9} cm/s or less
 - 30-mil HDPE to avoid direct contact with the caliche subgrade to prevent ion-exchange

The liner system will be overlain by the described leachate collection system and 2 feet of protective cover.

2. The liner system shall be installed over the entire bottom and sidewalls of the landfill.
3. The elevation of deepest excavation at the landfill disposal area is 3,020 feet above mean sea level (msl) and is located at the leachate collection sump within Type I unit/Cell 1 of the landfill.
4. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in Excavation Plan (FIG.III.D1.3) in Part III found in Attachment A of this permit.

D. Elevations of Waste Placement

1. The lowest elevation of waste placement will be 3,025 feet above msl.
2. The maximum final elevation of waste placement will be 3,165.5 feet above msl.

E. Management of Leachate and Gas Condensate

1. Any leachate collection and removal system required by this permit shall be operated and maintained in accordance with 30 TAC §§330.331(a)(2) and 330.333 and Parts III and IV found in Attachment A of this permit.
2. Any leachate and/or gas condensate shall be handled, stored, treated, and disposed of in accordance with Part IV found in Attachment A of this permit.

F. Management of Contaminated Water

All contaminated surface water and groundwater shall be handled, stored, treated, and disposed of in accordance with 30 TAC §330.207 and Part IV found in Attachment A of this permit.

G. Final Cover System

1. The final cover system shall be constructed over all waste placed in landfill cells in accordance with 30 TAC §330.457 and Part III found in Attachment A of this permit, and must consist of a composite final cover or an alternate final cover over both Type I and Type IV disposal areas. The composite final cover will consist of the following components (listed in order from top to bottom).
 - Minimum of 6 inches of erosion layer capable of sustaining native plant growth;
 - Double sided geo-composite drainage layer;
 - 40-mil LLDPE/40 mil LLDPE geomembrane;
 - 18 inches of infiltration layer with a coefficient of permeability no greater than 1×10^{-5} cm/sec.

The alternative final cover option consisting of a water balance final cover construction shall be subject to a pre-approved permit modification that includes a complete design of the final cover. Pre-construction testing will be conducted on the borrow soil material for the water balance cover. Thickness of water balance final cover will be determined from the hydraulic conductivity of the borrow soil.

2. The maximum elevation of the final cover shall not exceed 3,172.7 feet above msl.
3. Best management practices for temporary erosion and sedimentation control shall remain in place until vegetative cover has been established to design percentage vegetative cover for control and mitigation of erosion.

H. Landfill Gas Management

1. A landfill gas management system, consisting of landfill gas monitoring probes and gas monitoring equipment for enclosed structures, shall be designed, installed, operated, and maintained in accordance with Part III, Attachment G (Landfill Gas Management Plan) found in Attachment A of this permit and 30 TAC Chapter 330, Subchapter I. At a minimum, landfill gas monitoring shall be conducted on a quarterly basis.
2. The landfill gas management system shall ensure that the concentration of methane gas generated by the facility does not exceed 5% by volume in monitoring points, probes, subsurface soils, or other matrices at the facility boundary defined by the legal description in the permit and does not exceed 1.25% by volume in facility enclosed structures (excluding gas control or recovery system components). If methane gas levels exceeding these limits are detected, the owner or operator shall follow and implement the response procedures required in 30 TAC §330.371(c) to ensure protection of human health and the environment.

I. Groundwater Monitoring System

1. The groundwater monitoring system for the facility shall be designed, installed, and maintained in accordance with 30 TAC Chapter 330, Subchapter J, and Part III, Attachment F found in Attachment A of this permit.
2. Groundwater from monitoring wells shall be sampled, samples analyzed, and results reported to the executive director in accordance with 30 TAC §§330.405, 330.407, 330.419, and Part III, Attachment III.F2 (Groundwater Monitoring Sampling and Analysis Plan) found in Attachment A of this permit.
3. In the event a statistically significant increase over background for one or more of the constituents listed in 30 TAC §330.419 is determined, assessment monitoring shall be performed in accordance with 30 TAC §330.409 and Part III, Attachment III.F2 (Groundwater Monitoring Sampling and Analysis Plan) found in Attachment A of this permit.
4. In the event that assessment monitoring identifies any of the 40 Code of Federal Regulations Part 258, Appendix II constituents at a statistically significant level above the groundwater protection standards defined in 30 TAC §330.409(h), (i), or (j), the permittee shall perform an assessment of corrective measures, selection of remedy, and groundwater corrective action in accordance with 30 TAC §§330.411, 330.413, and 330.415.

J. Surface Water and Stormwater Management and Control

Surface water and stormwater that has not come in contact with waste or leachate shall be managed and controlled with conveyance structures and berms that have been designed and constructed in accordance with 30 TAC §§330.63(c), 330.301 through 330.307 and Part III found in Attachment A to this permit.

K. Vector Control

The facility shall be operated in a manner that ensures that the attraction of birds does not cause a hazard to low-flying aircraft and that appropriate bird control procedures are followed. Any increase in bird activity that could be hazardous to safe aircraft operations requires immediate mitigation actions.

L. Facility Sign Requirements

The permittee shall conspicuously display at all entrances to the facility through which wastes are received, a sign measuring at least four feet by four feet with letters at least three inches in height stating the facility name; type of facility; the hours and days of operation; an emergency 24-hour contact phone number(s) that reaches an individual with the authority to obligate the facility at all times that the facility is closed; the local emergency fire department phone number; and the permit number.

M. Landfill Markers

Landfill markers shall be installed and maintained in accordance with 30 TAC §330.143 and Part IV, Section 16 (Landfill Marker and Benchmark) found in Attachment A of the application.

N. Facility Personnel

The permittee shall comply with 30 TAC §330.59(f)(3) regarding employment of a licensed solid waste facility supervisor. The permittee shall ensure that landfill personnel are familiar with safety procedures, contingency plans, the requirements of the Commission's rules and this permit, commensurate with their levels and positions of responsibility as specified in Part IV, Section 4 (Landfill Personnel) found in Attachment A of this permit. All facility employees and other persons involved in facility operations must obtain and maintain the level of training or certification as required by applicable regulations.

V. Financial Assurance

- A. Authorization to operate the facility is contingent upon compliance with this permit and maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter L and 30 TAC Chapter 37.
- B. At least 60 days before the initial receipt of waste, the permittee shall provide to the executive director financial assurance instrument(s) for demonstration of closure in an amount not less than \$5,709,267.67 (2020 dollars). The mechanism must be in effect before the initial receipt of waste. The permittee shall maintain continuous financial assurance coverage for closure until all requirements for facility closure have been completed and the facility is officially placed under the post-closure maintenance period, as evidenced in writing by the executive director in accordance with 30 TAC §330.503(b).
- C. At least 60 days before the initial receipt of waste, the permittee shall provide financial assurance instrument(s) for demonstration of post-closure care of the landfill in an amount not less than \$6,256,068.75 (2020 dollars). The mechanism must be in effect before the initial receipt of waste. The permittee shall maintain continuous financial assurance coverage for post-closure care until the facility is officially released in writing by the executive director from the post-closure care period in accordance with 30 TAC §330.507(b).
- D. The permittee shall annually adjust the closure and/or post-closure care cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance instrument in accordance with 30 TAC §37.131.

- E. If the facility's closure and/or post-closure care plan is modified, the permittee shall provide new cost estimates in current dollars in accordance with 30 TAC §330.503 and §330.507. The amount of the facility's financial assurance mechanism shall be adjusted within 60 days after the modification is approved. Adjustments to the cost estimates and/or the financial assurance instrument to comply with any financial assurance regulation that is adopted by the TCEQ subsequent to the issuance of this permit shall be initiated as a modification within 30 days after the effective date of the new regulation.

VI. Facility Closure

A. Closure of the facility must commence:

1. Upon the landfill being filled to its permitted waste disposal capacity or upon the landfill reaching its permitted maximum waste elevations as depicted on drawings in Part III found in Attachment A of this permit;
2. Upon direction by the executive director of the TCEQ for failure by the permittee to comply with the terms and conditions of this permit or violation of State or Federal regulations. The executive director is authorized to issue emergency orders to the permittee in accordance with §§5.501 and 5.512 of the Water Code regarding this matter after considering whether an emergency requiring immediate action to protect the public health and safety exists;
3. Upon abandonment of the site by the permittee;
4. Upon direction by the executive director for failure by the permittee to secure and maintain an adequate bond or other acceptable financial assurance instrument as required; or
5. Upon the permittee's notification to the TCEQ that the landfill will cease to accept waste and no longer operate.

B. Closure Completion Requirements:

Facility closure shall be performed and completed in accordance with 30 TAC §§330.21, 330.451, 330.457, 330.459, and 330.461 and Part III, Attachment H (Closure Plan) found in Attachment A of this permit.

VII. Facility Post-Closure Care

- A. Upon completion and closure of the landfill, post-closure care shall be conducted in accordance with 30 TAC §330.463 and Part III, Attachment I (Post-closure Plan) found in Attachment A of this permit for a period of 30 years following written acceptance of the certification of final closure by the executive director.
- B. The vegetation on the final cover must be monitored and necessary actions taken to establish and maintain the percentage vegetative cover specified in Part III, Appendix III.C.3 (Final Cover and Drainage Plans and Calculations) found in Attachment A of this permit throughout the post-closure care period.
- C. Following completion of the post-closure care period, the owner or operator shall submit to the executive director for review and approval a documented certification prepared by an independent professional engineer licensed in the State of Texas in accordance with 30 TAC §330.465.
- D. Upon written acceptance of the certification of completion of post closure care by the executive director, the permittee shall submit to the executive director a request for voluntary revocation of this permit.

VIII. Standard Permit Conditions

- A. This permit is based on and the permittee shall follow the permit application dated May 31, 2019 and received on August 5, 2019, and revisions dated August 21, September 23, November 11, 2019, and January 20, March 25, May 12, June 19, June 24, and July 16, 2020, respectively. These application submittals are hereby approved subject to the terms of this permit, the rules and regulations, and any orders of the TCEQ, and are incorporated into this permit by reference in Attachment A as if fully set out herein. Any and all revisions to these application submittals shall become conditions of this permit upon the date of approval by the Commission. The permittee shall maintain the application and all revisions and supporting documentation at the facility and make them available for inspection by TCEQ personnel.
- B. Attachment B of this permit shall consist of all duly executed amendments, modifications, and corrections to this permit.
- C. The permittee has a duty to comply with all conditions of this permit. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- D. A pre-construction conference shall be held pursuant to 30 TAC §330.73(c) prior to beginning physical construction of the facility to ensure that all aspects of this permit, construction activities, and inspections are met. Additional pre-construction conferences may be held prior to the opening of the facility.
- E. A pre-opening inspection shall be held pursuant to 30 TAC §330.73(e). The facility shall not accept solid waste until the executive director has confirmed in writing that all applicable submissions required by the permit and applicable rules have been received and found to be acceptable and that construction is in compliance with the permit and the approved site development plan.
- F. The permittee shall monitor sediment accumulation in ditches and culverts on a quarterly basis, and remove sedimentation to re-establish the design flow grades on an annual basis or more frequently, if necessary, to maintain design flow. The roads within the facility shall be designed so as to minimize the tracking of mud onto the public access road.
- G. Prior to disposal of waste, the permittee shall record in the deed records of Ector County, a metes and bounds description of all portions within the permit boundary on which disposal of solid waste has or will take place, and shall provide a certified copy of the recorded document(s) to the executive director in accordance with 30 TAC §330.19.
- H. Daily cover of the waste fill areas shall be performed with well-compacted clean earthen material that has not been in contact with garbage, rubbish, or other solid waste, or with an alternate daily cover which has been approved in accordance with 30 TAC §§330.165(d) and 305.70(k). Intermediate cover, run-on control berms, and run-off control berms shall not be constructed from soil that has been used as daily cover or which contains waste or chemical contaminants.
- I. During construction and operation of the facility, measures shall be taken to control runoff, erosion, and sedimentation from disturbed areas. Erosion and sedimentation control measures shall be inspected and maintained at least monthly and after each storm event that meets or exceeds the design storm event. Erosion and sedimentation controls shall remain functional until disturbed areas are stabilized with established permanent revegetation. The permittee shall maintain the on-site access road and speed bumps/mud control devices in such a manner as to minimize the buildup of mud on the access road and to maintain a safe road surface.

- J. Erosion stability measures shall be maintained on top dome surfaces and external embankment side slopes during all phases of landfill operation, closure, and post-closure care in accordance with 30 TAC §330.305(d) and Part III found in Attachment A of this permit.
- K. In compliance with the requirements of 30 TAC §330.145, the permittee shall consult with the local District Office of the Texas Department of Transportation or other authority responsible for road maintenance, as applicable, to determine standards for litter and mud cleanup on state, county, or city maintained roads serving the site. Documentation of this consultation shall be placed in the site operating record prior to receipt of waste at the facility.
- L. The permittee shall retain the right of entry onto the site until the end of the post-closure care period as required by 30 TAC §330.67(b).
- M. The permittee shall retain the right of entry onto the site in accordance with 30 TAC §330.67(b), and shall allow entry onto the site by TCEQ personnel for inspection purposes during the site operating life and until the end of the post-closure care period in accordance with §361.032 of the Texas Health and Safety Code.
- N. The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the remainder of this permit shall not be affected.
- O. Regardless of the specific design contained in the application or adopted by reference in Attachments A and B of this permit, the permittee shall be required to meet all performance standards required by the permit, the Texas Administrative Code, and local, state, and federal laws or ordinances.
- P. The permittee shall comply with the requirements of the air permit exemption in 30 TAC §106.534, if applicable, and the applicable requirements of 30 TAC Chapters 106 and 116 and 30 TAC Chapter 330, Subchapter U.
- Q. All discharge of storm water must be in accordance with the U.S. Environmental Protection Agency NPDES requirements and/or the State of Texas TPDES requirements, as applicable.
- R. The permittee shall furnish to the executive director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit, and copies of records required to be kept by the permit.
- S. The permittee shall report any noncompliance to the executive director which may endanger human health and safety, or the environment in accordance with 30 TAC §305.125(9).
- T. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application, or in any report to the executive director, it shall promptly submit such facts or information.
- U. The permittee shall notify the executive, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy in accordance with 30 TAC §305.125(22).
- V. Any proposed facility changes, additions, or expansions must be authorized in accordance with the rules in 30 TAC Chapters 305 and 330.

IX. Incorporated Regulatory Requirements

- A. The permittee shall comply with all applicable federal, state, and local regulations and shall obtain any and all other required permits prior to the beginning of any on-site improvements or construction approved by this permit.

- B. To the extent applicable, the requirements of 30 TAC Chapters 37, 281, 305, and 330 are adopted by reference and are hereby made provisions and conditions of this permit.

X. Special Provisions

Not Applicable.

Attachment A

Parts I through IV of the permit application.

Attachment B

Amendments, corrections, and modifications issued for MSW Permit No. 2404.

DRAFT

Texas Commission on Environmental Quality

Executive Director's Preliminary Decision

September 2, 2020

DESCRIPTION OF APPLICATION

Applicant: Diamond Back Recycling And Sanitary Landfill, LP
Facility: Diamond Back Solid Waste Facility and Recycling Center
Municipal Solid Waste (MSW) Permit Application No. 2404
Type: Type I Municipal Solid Waste Landfill

EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

The executive director of the Texas Commission on Environmental Quality has made the preliminary decision that this proposed MSW Permit No. 2404, for Diamond Back Recycling And Sanitary Landfill, LP, if issued, meets all statutory and regulatory requirements.