

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 21, 2016

**CERTIFIED MAIL #7015 3010 0001 4534 7670
RETURN RECEIPT REQUESTED**

Mr. Matt Montagna, Landfill Operations Manager
Blue Ridge Landfill TX, LP
2200 FM 521 Road
Fresno, Texas 77545

Re: Notice of Enforcement for a Complaint Investigation at:
Blue Ridge Landfill, 2200 FM 521 Road, Fresno (Fort Bend County), Texas
Regulated Entity No.: 102-610-102, TCEQ ID No.: FG-0536-E, FOP No.: O-01472,
Investigation No.: 1331231

Dear Mr. Montagna:

On May 4, 2016, Justin Mayworn of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for air quality. During this investigation, a certain outstanding alleged violation was documented. Enclosed is a summary which lists the investigation findings and recommended corrective actions. Additional recommended corrective actions may be provided by the Enforcement Division.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at 713-767-3700 or the Central Office Publications Ordering Team at 512-239-0028.

Also, please be advised that the Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violation, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violation.

In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Mr. Matt Montagna, Landfill Operations Manager
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Also, if you believe the violation documented in this notice has been cited in error, **and** you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below.

Manager, Air Section
Enforcement Division, MC 219
Re: Enforcement Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Mr. Justin Mayworn in the Houston Region Office at 713-767-3750.

Sincerely,



Joe Doby, Assistant Air Section Manager
Houston Region Office
Texas Commission on Environmental Quality

JD/JM/kj

cc: Mr. Burges Stengl, Environmental Manager, Blue Ridge Landfill TX, LP, 5757 Oates Road, Suite A, Houston, Texas 77078

Mr. Brandon Rogers, Environmental Manager, Blue Ridge Landfill TX, LP, 5757 Oates Road, Suite A, Houston, Texas 77078

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

BLUE RIDGE LANDFILL

2200 FM 521 RD
FRESNO, FORT BEND COUNTY, TX 77545

Investigation #

1331231
Investigation Date: 05/04/2016

Additional ID(s): FG0536E
1472

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

Track No: 615250 Compliance Due Date: To Be Determined

30 TAC Chapter 101.4
5C THSC Chapter 382.085(a)
5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1331231

Comment Date: 10/21/2016

Failure to prevent a nuisance condition.

TCEQ Investigators conducted odor surveys at off-site locations and detected a moderate landfill gas/honeysuckle odor that was highly offensive on June 23, 2016; a strong landfill gas/honeysuckle odor that was highly offensive on May 23, 2016 and May 24, 2016; and a very strong landfill gas/honeysuckle odor that was highly offensive on May 4, 2016, May 5, 2016, and June 6, 2016. The investigators determined the source of the odors was from Blue Ridge Landfill. The pattern of odors resulted in the confirmation of a weekly nuisance condition. These nuisance odors from Blue Ridge landfill were determined to be injurious to or adversely affect human health or welfare, and interfered with the normal use and enjoyment of animal life, vegetation, or property.

This constitutes a violation of 30 TAC §101.4, which states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property."

This further constitutes a violation of the following: Texas Health & Safety Code 382.085(a) and Texas Health & Safety Code 382.085(b).

Recommended Corrective Action: Submit a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for this outstanding alleged violation.