

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 3, 2017

**CERTIFIED MAIL #91 7199 9991 7033 3052 9950**  
**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 Compliance 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.: 1370033

Dear Mr. Montagna:

On October 18 and 19, 2016 and November 9 and 10, 2016, Mr. Seth Tate and Ms. Yayma Martinez 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 violations, 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 713-767-3500 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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January 3, 2016

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 Ms. Yayma Martinez in the Houston Region Office at 713-767-3703 or Mr. Seth Tate, also in the Houston Region Office, at 713-767-3619.

Sincerely,



Corbett Brinly, Team Leader  
Houston Region Office  
Texas Commission on Environmental Quality

CB/YM/swf

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

Mr. Charles Walker, Division 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 #

1370033

Investigation Date: 10/18/2016

Additional ID(s): FG0536E  
1472

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

Track No: 627731

Compliance Due Date: To Be Determined

30 TAC Chapter 122.143(4)

40 CFR Chapter 60.756(f)

5C THSC Chapter 382.085(b)

PERMIT 1472, Term and Condition (c)(20)

PERMIT 1472, Term and Condition (c)(20)

PERMIT 1472, Term and Condition (c)(41)

PERMIT 1472, Term and Condition (c)(41)

### Alleged Violation:

Investigation: 1370033

Comment Date: 01/02/2017

Failure to monitor according to 40 CFR 60, Subpart WWW.

During an onsite investigation conducted from October 18, 2016 to November 10, 2016, it was determined that Blue Ridge Landfill (BRL) failed to perform surface emissions monitoring (SEM) in accordance with the requirements of 40 CFR 60.756(f).

Specifically, in the quarterly SEM reports, BRL stated that no exceedances above the threshold of 500 ppm methane were detected at the facility in the previous six (6) quarters of monitoring events from March 30, 2015 through June 9, 2016; however, during the comparative SEM monitoring conducted by the TCEQ Houston Region, one hundred and thirty six (136) surface emissions exceedances were discovered in excess of 500 ppm methane.

The facility was asked to provide calibration gas certificates to verify that the contractor's equipment was calibrated with the proper concentration of gas and to document that the calibration gases used were not expired. BRL stated that the facility did not have copies of calibration gas certificates showing methane concentration and expiration date and as of the date of the report was unable to locate the certificates from the contractors; therefore, BRL failed to demonstrate compliance with the calibration requirements of EPA Test Method 21 pertaining to specified shelf life and accuracy of the gas.

The facility's SEM plan required by 40 CFR 60, Subpart WWW, stated that "the detector probe will be positioned within 2 to 4 inches (5 to 10 centimeters) from the ground surface or top of the vegetation during surface scans." However, 40 CFR 60, Subpart WWW does not provide an exception for monitoring at the top of the vegetation. In addition, BRL did not maintain a record of actual readings to document that there were no exceedances of 500 ppm methane. Therefore, BRL did not maintain documentation to demonstrate that monitoring was performed.

This constitutes a violation of 40 CFR 60.756(f) which states, "Each owner or operator seeking to demonstrate compliance with § 60.755(c), shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in § 60.755(d)...."

This further constitutes a violation of the following: GOP O-1472, Term and Condition (c)(20) and (41), 30 TAC 122.143(4), and Texas Health & Safety Code 382.085(b).