

Minutes Odor Task Force
November 2, 2016

The Odor Task Force held a regular meeting at 6:00 PM, at Pearland Convention and Visitors Bureau Office located at 112000 Broadway, Suite 1390 in Pearland, Texas.

1. Call to Order: The meeting was called to order at 6:08 PM.
2. Roll Call: The following members were in attendance at the meeting:

Kami Brady
Jon R. Branson
Lucian Hill
Kevin McLeod
Ed Mears
* Brandon ~~Rodgers~~ Rogers
Laurie Rodriguez

Pearland City Councilmember, Trent Perez was also in attendance at the meeting.

3. Discussion and possible action regarding the minutes from the September 21, 2016 and the October 12, Odor Task Force meeting:

Mr. Lucian Hill made a motion to approve the minutes as amended. Mrs. Laurie Rodriguez seconded the motion and the motion carried unanimously.

4. Discussion and possible action regarding updates:

- A. TCEQ Notice of Enforcement Letter to Blue Ridge Landfill – A copy of the Notice of Enforcement Letter was provided to the Task Force. Additionally Mr. Branson discussed a communication that was provided to Representative Thompson officer regarding a definition of what “Alleged Violation means (please see attached document).

Mr. Lucian Hill asked if there was any investigation for individual’s violations verses one single investigation. Mr. Kevin McLeod of TCEQ indicated that the incidents were looked at as one single large investigation rather than individual single investigations.

- B. TCEQ Process – Mr. Kevin McLeod discussed the process and indicated that the Notice of Enforcement is greater than a Notice of Violation. What this means is the issue this is bigger than the Regional Office and needs to go to the

Enforcement Division in Austin, Litigation Division and ultimately the Commission Itself. The Region is now taken out of the case and it is in the hands of the Enforcement Division. Moving forward the report will be reviewed by the Enforcement Division. They will review the report and determine what should occur. Possibly more enforcement actions, more study or potentially issue an Agreed Order that may contain a penalty and technical recommendations to resolve the non-performance issues.

If an Agreed Order is offered, it can be accepted by Blue Ridge, negotiated or if not accepted it would go to the state office with a subsequent trail before an administrative hearing would take place. In many cases what you see is an Agreed Order because the entity that received the Notice of Enforcement wants to resolve the matter as quickly as possible.

Councilmember Perez asked what kind of time frame we were looking at to see some sort of a resolution regarding the matter? Mr. McCloud was unable to answer the question because it depends on a number of factors including but not limited to whether or not Blue Ridge agrees with the order or challenges it up and through an administrative hearing. Furthermore it was discussed that if an Agreed Order is reached, Blue Ridge Landfill would be given a specific amount of time to resolve the issue as recommended by TCEQ.

Mr. Hill and Mr. Branson discussed other Agreed Orders that they were familiar with (not regarding this matter) and concluded that you could see some sort of action within 60 to 90 days or it could continue for one or two years depending on how the responsible party handles the matter.

5. Open discussion:



Councilmember Perez asked Mr. Brandon Rodgers what Blue Ridge approach would be moving forward regarding the Enforcement Letter is. Mr. Rodgers stated that they would work with TCEQ and the State to do and cooperate to resolve the matter. He indicated they were wrapping up another phase of construction on the gas ~~plant~~ ^{system}. He indicated they were not going to sit back and wait they were going to be proactive moving forward.

Councilmember Perez asked Mr. McCloud if citizens need to continue to register complaints regarding the matter if the odor issues persists. After considerable discussion regarding the matter, the group agreed that the residents need to continue to move report the information to TCEQ as they arise.

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Mr. Ed Mears indicated that he had discussed the testing results with Justin Mayhew of TCEQ. Mr. ~~Mayhew~~^{Mayborn} suggested that those persons willing to testify regarding the matter only need to fill out one affidavit regarding and issue and not a separate one for each event.

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Mr. Mears indicated that MUD 26 has identified an Environmental ~~Firm~~^{Attorney} with the goal to help with this issue moving forward.

Additionally, Mr. Mears asked Mr. Branson if the City could further develop their Connect to Pearland App so that individuals could utilize the App to assist in documenting future odor issues as they arise. Mr. Branson indicated it was being looked into and he would follow up with the Task Force at a later date.

Mr. Brandon Rodgers added that they were in the process of developing a website just for Blue Ridge Landfill that would enable residents to get as much up to date information regarding the landfill as possible. At the current time the website is not dedicated to the Blue Ridge Landfill it is more about Republic Waste services in general.

The Committee discussed the need to hold "Town Hall" type meetings beginning in February to keep the community informed as to what was going on regarding the Enforcement Letter as well as the efforts of the Task Force, TCEQ and the City.

6. Next Meeting:

The next regular meeting is tentatively scheduled to take place on November 30, 2016.

7. Adjourn:

The meeting was adjourned at 7:22 PM.

* corrections to minutes, approved amended 11/30/16.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
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, I.P
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.

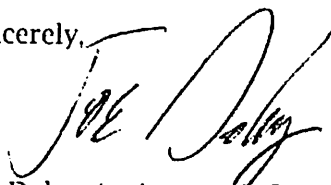
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Also, if you believe the violation documented in this notice has been cited in error, and you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing 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.

Jon Branson

From: Emily Kirchner <Emily.Kirchner@house.texas.gov>
Sent: Tuesday, November 15, 2016 1:23 PM
To: Jon Branson
Subject: FW: Blue Ridge

Hi Jon,

Hope you're well! Below please find information on the timeline for compliance with Blue Ridge Landfill - Rep. Thompson wanted to be sure you're aware of this (I understand you're in charge of the Odor Task Force). Rep. Thompson wants to be sure you're getting the information you need. Please let me know if there's anything we can do to help.

Thanks!
Emily

Emily Eppright Kirchner | Chief of Staff
Representative Ed Thompson | Capitol Office: E2.506
Main: 512-463-0707 | Fax: 512-463-8717
emily.kirchner@house.texas.gov

From: Ferrell Fields [mailto:Ferrell.Fields@tceq.texas.gov]
Sent: Monday, November 14, 2016 4:47 PM
To: Emily Kirchner
Subject: Blue Ridge

Emily,

The Notice of Enforcement was sent to Blue Ridge Landfill October 21, 2016, which also constitutes a referral from TCEQ's Houston Regional Office to TCEQ's Enforcement Division. The case is under development within the Enforcement Division. The Enforcement Division anticipates that the draft agreed order will be offered to Blue Ridge Landfill by approximately mid to late December 2016. Blue Ridge will have 60 days to respond to the offer. If accepted, the order will be presented to the Commissioners for their review and approval at an agenda meeting. If rejected, the matter will be referred to the Litigation Division and the matter may be set for a contested case hearing at the State Office of Administrative Hearings if it cannot be settled. After trial, the administrative law judge will make a recommendation based on the evidence and draft a Proposal for Decision that will be presented to the Commission at an agenda meeting.

Let me know if you have any questions or need anything else! Thanks!

Ferrell Fields
Intergovernmental Relations
Texas Commission on Environmental Quality
(512) 239-1882 (O)
(512) 547-0046 (C)

From: Ferrell Fields [<mailto:Ferrell.Fields@tceq.texas.gov>]
Sent: Monday, November 28, 2016 8:42 AM
To: Emily Kirchner
Subject: FW: Blue Ridge Landfill Update for Rep Thompson

Emily,

I am soooo sorry... I just realized I never sent this to you. I apologize!!! Please let me know if you have any other questions. Hope you had a great holiday!

The TCEQ has conducted multiple investigations to address complainants' allegations of odors from Blue Ridge Landfill (BRL). As a result of documenting nuisance conditions, the TCEQ issued a Notice of Enforcement on October 21, 2016. Despite having confirmed a nuisance condition during specific investigations, the TCEQ continues to evaluate additional aspects of compliance at BRL through focused review of operating practices and adherence to technical, regulatory standards. In addition, the TCEQ continues to receive and investigate complaints, and interface with the community's residents and the City of Pearland's Task Force.

On-going Investigations

The TCEQ opened focused investigations in the Air and Waste Programs addressing landfill gas and leachate management for the site. The Waste investigation for landfill gas management and leachate management was initiated on October 18, 2016 with an on-site inspection. Additional information and documents have been requested from BRL and are pending receipt. The Waste investigation is currently open and ongoing.

The Air investigation is also addressing landfill gas. The TCEQ conducted monitoring using hand-held equipment to measure methane emissions. This investigation will address 40 CFR 60, subpart WWW for methane emissions as well as any sulfur-containing compounds. The Air investigation activity was initiated on October 18, 2016 and the on-site portion of the investigation concluded November 10, 2016. The TCEQ is evaluating all the information gathered as a part of the air investigation in order to make a compliance determination.

In addition, any complaints affiliated with the entity are being handled and addressed as received in accordance with the Agency's Complaint Handling protocols.

Will BRL use tarps in addition to soil cover?

The TCEQ reached out to the landfill on November 16, 2016, regarding the potential use of both the soil and tarp cover. The entity is vetting the dual cover option. Currently, the landfill does not have the tarps on-site.

What is the working face sequence for the land?

The landfill is progressively filling, west to east across the landfill, in a stepwise manner. The landfill is in Phase 3 of six phases. The sector that is actively being filled is approximately 14.7 acres. The landfill height is currently at approximately 70 feet above mean sea level (msl). There is not a standard fill rate as it varies based on the amount of incoming wastes. At final fill capacity and height, the landfill will be one contiguous fill and not exceed 220 feet in height, including final cover/cap.

Ferrell Fields Damen
Intergovernmental Relations