

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

May 4, 2017

The Honorable Tom Reid
Mayor, City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

Re: City of Pearland Resolution No. R2017-68 - Municipal Solid Waste Permit 1505A

Dear Mayor Reid:

Thank you for sharing your concerns regarding the Blue Ridge Landfill and sending us a copy of Resolution No. R2017-68 passed by the Pearland City Council. As recognized by the resolution, the TCEQ has conducted numerous investigations regarding the landfill in the past year. Our efforts to address the issues the community is facing have included odor surveys in the area and deployment of our Strategic Sampling Work Group to collect and analyze air samples in and around the Shadow Creek Ranch subdivision.

As a result of some of this work, the TCEQ issued a complaint investigation report and Notice of Enforcement (NOE) on October 21, 2016, alleging that the Blue Ridge Landfill was the source of nuisance odors, which were documented in May and June of 2016. In October and November of 2016, the TCEQ also conducted a surface emissions monitoring investigation to assess compliance with air regulations. Blue Ridge Landfill was notified of emissions violations via an NOE on January 3, 2017.

On February 7, 2017, TCEQ sent Blue Ridge Landfill a proposed agreed order, which assesses monetary penalties for alleged non-compliances relating to the previously documented nuisance odors and the more recent emissions violations. The agreed order also includes technical requirements and corrective actions to address the alleged non-compliances. Blue Ridge Landfill has now signed the agreed order and paid \$17,485 of the \$43,712 administrative penalty. If the agreed order is then approved by the Commission, Blue Ridge Landfill will also perform a supplemental environmental project to conditionally offset \$17,485 of the penalty and the remaining portion of the penalty, \$8,742, will be deferred contingent on Blue Ridge Landfill's timely and satisfactory compliance with all terms of the agreed order. The agreed order is not effective until approved by the Commissioners.

The proposed agreed order is now going through procedures to schedule it for the Commissioners' public meeting for consideration. These procedures include publication of notice in the *Texas Register* and a 30-day public comment period prior to the Commissioners' public meeting. The proposed agreed order was published in the *Texas Register* on April 28, 2017, starting the 30-day public comment period. Here is the link to the *Texas Register* site: <http://www.sos.texas.gov/texreg/index.shtml>. Additionally, for your convenience, enclosed is the portion of the *Texas Register* notice pertinent to the Blue Ridge Landfill enforcement order.

The Honorable Tom Reid
Mayor, City of Pearland
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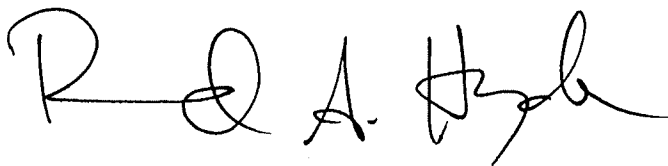
As you are aware, the resolution requests that I suspend Blue Ridge Landfill's permit until they demonstrate they are operating in strict compliance with the permit. For background, I would like to call your attention to Texas Water Code § 7.302, which provides the Commission with statutory authority to revoke or suspend a municipal solid waste permit after notice and hearing under certain grounds. Additionally, the TCEQ rules on revocation for a municipal solid waste permit are found in 30 Texas Administrative Code (TAC) § 305.66.

Before denying, suspending, or revoking a permit under 30 TAC § 305.66, the commission must find that a violation or violations are significant and that the permit holder has not made a substantial attempt to correct the violations or that the permit holder is indebted to the state. The TCEQ's enforcement process provides Blue Ridge Landfill an opportunity to correct the violations cited in the agreed order. At this time, the TCEQ is not pursuing suspension or revocation of MSW Permit 1505A, but the TCEQ will continue to address these odor and emission violations through TCEQ's enforcement process.

The residents of Pearland are encouraged to continue to report any suspected noncompliance with the terms of any TCEQ permit or environmental regulation by contacting the TCEQ Houston Region by telephone at (713) 767-3500, by calling the TCEQ's 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186, or by sending an email to cmplaint@tceq.texas.gov.

Please be assured that we take your community's complaints seriously and hope that the most recent enforcement order, if approved, will remedy issues with the landfill operations. If there are any questions regarding this letter, please contact Ashley K. Wadick, Regional Director, Houston Regional Office, Office of Compliance & Enforcement, at (713) 767-3687.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hyde". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

Richard A. Hyde, P.E., Executive Director
Texas Commission on Environmental Quality

Enclosure

cc: Mr. Jon Branson, Deputy City Manager, City of Pearland

Harold E. Feeney
Commissioner
Credit Union Department
Filed: April 19, 2017

Texas Council for Developmental Disabilities

Request for Proposals: Texas Council for Developmental Disabilities Public Policy Fellows

The Texas Council for Developmental Disabilities (TCDD) announces the availability of funds for up to two organizations to hire a TCDD Public Policy Fellow and support the Fellow to develop a deep understanding of policy affecting people with developmental disabilities.

The purpose of offering funding for projects described in this Request for Proposals (RFP) is to increase the number of policy professionals in Texas who have the requisite skills, knowledge and experience to engage in policy activities so that people with developmental disabilities have greater control over their own lives.

TCDD has approved funding up to \$67,500 per organization, per year, for up to two years. TCDD expects to post this RFP up to two times per year and may select either one or two proposals for funding each time this RFP is posted. No more than two will be funded per fiscal year.

Funds available for these projects are provided to TCDD by the U.S. Department of Health and Human Services, Administration on Intellectual and Developmental Disabilities, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act. Funding for the project is dependent on the results of a review process established by TCDD and on the availability of funds. Non-federal matching funds of at least 10% of the total project costs are required for projects in federally designated poverty areas. Non-federal matching funds of at least 25% of total project costs are required for projects in other areas.

Additional information concerning this RFP may be obtained at www.DDSuite.org. More information about TCDD may be obtained through TCDD's website at www.tccd.texas.gov. All questions pertaining to this RFP should be directed in writing to Danny Fikac, Planning Specialist, via email at Danny.Fikac@tccd.texas.gov. Mr. Fikac may also be reached by telephone at (512) 437-5415.

Deadline: Proposals must be submitted through www.DDSuite.org by June 7, 2017. Proposals will not be accepted after the due date.

TRD-201701622

Beth Stalvey
Executive Director
Texas Council for Developmental Disabilities
Filed: April 19, 2017

Request for Proposals: Texas Council for Developmental Disabilities Texas Statewide Sibling Network

The Texas Council for Developmental Disabilities (TCDD) announces the availability of funds for one organization that will develop a sustainable Texas Statewide Sibling Network. The network should meet the needs of teen and adult siblings of individuals with developmental disabilities and be responsive to the different cultural values and customs that exist in Texas.

The purpose of offering funding for a statewide sibling network described in this Request for Proposals (RFP) is to increase opportunities for siblings of people with developmental disabilities living in Texas to: connect, receive and share information; develop leadership and ad-

vocacy skills; and receive support to advocate for themselves and their siblings.

TCDD has approved funding up to \$85,000 per year, for up to five years, for one project. Funds available for this projects are provided to TCDD by the U.S. Department of Health and Human Services, Administration on Intellectual and Developmental Disabilities, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act. Funding for the project is dependent on the results of a review process established by TCDD and on the availability of funds. Non-federal matching funds of at least 10% of the total project costs are required for projects in federally designated poverty areas. Non-federal matching funds of at least 25% of total project costs are required for projects in other areas.

Additional information concerning this RFP may be obtained at www.DDSuite.org. More information about TCDD may be obtained through TCDD's website at www.tccd.texas.gov. All questions pertaining to this RFP should be directed in writing to Joanna Cordry, Planning Director, via email at Joanna.Cordry@tccd.texas.gov. Ms. Cordry may also be reached by telephone at (512) 437-5410.

Deadline: Proposals must be submitted through www.DDSuite.org by **June 14, 2017**. Proposals will not be accepted after the due date.

TRD-201701620

Beth Stalvey
Executive Director
Texas Council for Developmental Disabilities
Filed: April 19, 2017

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is May 30, 2017. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on May 30, 2017. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides

that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2016-2105-MWD-E; IDENTIFIER: RN102341559; LOCATION: Spring, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0012519001, Interim Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Ariel Ramirez, (512) 239-4935; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: Blue Ridge Landfill TX, LP; DOCKET NUMBER: 2016-1923-AIR-E; IDENTIFIER: RN102610102; LOCATION: Fresno, Fort Bend County; TYPE OF FACILITY: landfill; RULES VIOLATED: 30 TAC §101.4 and Texas Health and Safety Code (THSC), §382.085(a) and (b), by failing to prevent nuisance odor conditions; and 30 TAC §101.20(1) and §122.143(4), 40 Code of Federal Regulations (CFR) §60.756(f), Federal Operating Permit Number O1472/Municipal Solid Waste Landfill General Operating Permit Number 517, Permit Tables (c)(20) and (41), and THSC, §382.085(b), by failing to monitor surface concentrations in accordance with 40 CFR Part 60, Subpart WWW; PENALTY: \$43,712; Supplemental Environmental Project offset amount of \$17,485; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: City of Bishop; DOCKET NUMBER: 2016-1296-MWD-E; IDENTIFIER: RN101920684; LOCATION: Bishop, Nueces County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010427001, Monitoring and Reporting Requirements Number 7.c, by failing to report any effluent violation which deviates from the permitted limitation by more than 40% in writing to the Corpus Christi Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance events in December 2015, and January, February, May, July, August, September, and October 2016; and TWC, §26.121(a)(1), 30 TAC §305.125(1), and TPDES Permit Number WQ0010427001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$27,750; Supplemental Environmental Project offset amount of \$22,200; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(4) COMPANY: City of Brady; DOCKET NUMBER: 2016-1929-MSW-E; IDENTIFIER: RN102003811; LOCATION: Brady, McCulloch County; TYPE OF FACILITY: Type I Landfill; RULES VIOLATED: 30 TAC §§330.371(a)(2), 330.121(a) and 330.159 and Municipal Solid Waste (MSW) Permit Number 1732, Site Operating Plan (SOP) 4.15 Landfill Gas Control and SOP Appendix 8 Landfill Gas Management Plan, Section 10.0 Contingency Plan, by failing to prevent the concentration of methane gas from exceeding 5% by volume in monitoring points and probes at the facility's boundary; 30 TAC §330.305(c) and MSW Permit Number 1732, SOP 4.23 Prevention of Discharge of Contaminated Water, by failing to design, construct and maintain a run-off management system capable of preventing flow onto or from the active portions of the landfill; 30 TAC §330.165(h) and MSW Permit Number 1732, SOP 4.18.6 Cover Application Log, by failing to maintain complete cover application records on site readily available for inspection upon request by agency personnel; 30

TAC §330.121(a) and §330.159 and MSW Permit Number 1732, SOP Appendix 8 Landfill Gas Management Plan, Section 10.0 Contingency Plan, by failing to submit a report to the TCEQ within seven days of an exceedance of methane gas; 30 TAC §330.165(a), (b) and (c) and MSW Permit Number 1732, SOP 4.18.2 Daily Cover, 4.18.3 Weekly Cover, and 4.18.4 Intermediate Cover, by failing to provide timely and adequate landfill cover; 30 TAC §330.143(a) and (b)(1)(D) and (5) and MSW Permit Number 1732, SOP 4.7 Landfill Markers and Benchmark, by failing to maintain the visibility of all required landfill markers and failing to install white landfill grid system and markers that extend at least six feet above ground level; 30 TAC §330.133(a) and MSW Permit Number 1732, SOP 4.2.3 Type I Waste Disposal Area Waste Unloading Procedures, by failing to train staff person on duty during operating hours at each area where waste is being unloaded to direct and observe the unloading of solid waste; 30 TAC §330.131 and MSW Permit Number 1732, SOP 4.1.1 Site Security, by failing to control public access to the facility by means of artificial barriers, natural barriers, or a combination of both, appropriate to protect human health and safety and the environment; and 30 TAC §§330.207(b), 330.305(g), and 330.331(b) and MSW Permit Number 1732, SOP 4.24 Contaminated Water Plan, by failing to properly manage contaminated water; PENALTY: \$17,718; Supplemental Environmental Project offset amount of \$14,175; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(5) COMPANY: City of Bridge City; DOCKET NUMBER: 2017-0060-PWS-E; IDENTIFIER: RN101199966; LOCATION: Bridge City, Orange County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$702; ENFORCEMENT COORDINATOR: James Baldwin, (512) 239-1337; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(6) COMPANY: City of Dallas; DOCKET NUMBER: 2017-0351-WQ-E; IDENTIFIER: RN109491829; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: construction; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a Construction General Permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5886; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(7) COMPANY: City of Waco; DOCKET NUMBER: 2017-0181-WQ-E; IDENTIFIER: RN102963576; LOCATION: Waco, McLennan County; TYPE OF FACILITY: wastewater collection system that includes a sewer main and manhole; RULE VIOLATED: TWC, §26.121(a)(1), by failing to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state; PENALTY: \$5,775; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(8) COMPANY: City of Wellman; DOCKET NUMBER: 2015-0076-MLM-E; IDENTIFIER: RN101206852; LOCATION: Wellman, Terry County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(h)(1)(A), by failing to install a backflow prevention assembly or an air gap at all residences or establishments where an actual or potential contamination hazard exists, as identified in 30 TAC §290.43(c)(4) and §290.47(i), by failing to equip the standpipe with a liquid level indicator; 30 TAC §290.41(c)(3)(N), by failing to provide each well with a flow measuring device to measure production yields and provide for the accumulation of water production