

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 12, 2018

CERTIFIED MAIL #91 7199 9991 7038 7276 6530
RETURN RECEIPT REQUESTED

Mr. Burgess Stengl, Environmental Manager
Blue Ridge Landfill TX, LP
2200 FM 521 Road
Fresno, Texas 77545

Re: Notice of Enforcement for Compliance Evaluation Investigation at:
Blue Ridge Landfill TX, LP, 2200 FM 521 Road, Fresno, (Fort Bend County) Texas
Regulated Entity No.: 102610102; TCEQ ID No.: FG0536E; Investigation No.: 1486565

Dear Mr. Stengl:

On April 30, 2018, through July 6, 2018, Mr. Samuel Cortez 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, certain outstanding alleged violations were 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.texas.gov> 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. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

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 violations, 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 violations.

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 violations documented in this notice have 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. Cortez in the Houston Region Office at (713) 767-3723.

Sincerely,

A handwritten signature in cursive script that reads "Andrea Gustavson".

Andrea Gustavson, Air Section Team Leader
Houston Region Office
Texas Commission on Environmental Quality

AG/SC/swf

cc: Mr. Mark Meadows, 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 #

1486565
Investigation Date: 04/30/2018

Additional ID(s): FG0536E
1472

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

Track No: 688094 Compliance Due Date: To Be Determined

30 TAC Chapter 122.143(4)
40 CFR Chapter 60.757(f)(5)
5C THSC Chapter 382.085(b)
PERMIT 1472, Term (c)(20)

Alleged Violation:

Investigation: 1486565

Comment Date: 10/11/2018

Failure to include all exceedance information in the New Source Performance Standards (NSPS) periodic report dated July 2, 2018.

During the period from April 30, 2018, through July 6, 2018, an on-site investigation of the Blue Ridge Landfill (BRL) was conducted in which 38 exceedance locations were noted during surface emissions monitoring conducted from April 30, 2018 through May 4, 2018. During a review of the NSPS periodic report dated July 2, 2018, it was noted that concentration data for only 37 exceedance locations were reported, and concentration for one location was not reported. This constitutes a violation of 40 Code of Federal Regulations 60.757(f)(5), which states, "(f) Each owner or operator of a landfill seeking to comply with §60.752(b)(2) using an active collection system designed in accordance with §60.752(b)(2)(ii) shall submit to the Administrator annual reports of the recorded information in (f)(1) through (f)(6) of this paragraph... (5) The location of each exceedance of the 500 parts per million methane concentration as provided in §60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month."

This further constitutes a violation of the following: Federal Operating Permit O-01472 Term (c)(20); 30 Texas Administrative Code 122.143(4); and Texas Health and 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.

Track No: 688109 Compliance Due Date: To Be Determined

30 TAC Chapter 122.143(4)
40 CFR Chapter 60.11(d)
5C THSC Chapter 382.085(b)
PERMIT 1472, Term (b)(29)

Alleged Violation:

Investigation: 1486565

Comment Date: 10/12/2018

Failure to maintain and operate the gas collection and control system (GCCS) in a manner consistent with good air pollution control practice for minimizing emissions.

During the period from April 30, 2018, through July 6, 2018, an on-site investigation of the Blue Ridge Landfill (BRL) was conducted in which the GCCS was not maintained in a manner consistent with good air pollution control practice for minimizing emissions as follows:

A. Based on Texas Commission on Environmental Quality (TCEQ) monitoring conducted on

June 6, 2018, 13 days after BRL concluded 1-month follow-up monitoring on May 24, 2018, there were 16 locations found to be in exceedance of 500 parts per million (ppm) methane. The 16 exceedance locations were repaired based on statements by BRL on June 6, 2018 and were reported to be repaired on May 9, 2018, based on the periodic NSPS report dated July 2, 2018.

B. Based on the flare information provided by BRL in an email dated August 21, 2018, the rental flare had a maximum operating flow documented to be 3,000 standard cubic feet per minute (scfm) on December 8, 2017. The design capacity of the flare is 2,100 scfm.

C. Based on the Monitoring Division Summary of May 14-18, 2018, Pearland Sampling Event, odor characteristics in Shadow Creek Ranch neighborhood were consistent with the odors from Blue Ridge Landfill and were accompanied with the signature methane measurements associated with the landfill gases.

D. Based on the TCEQ investigation number 1489897, conducted May 9, 2018, through July 6, 2018, nuisance odor conditions were documented by TCEQ investigators.

This constitutes a violation of 40 Code of Federal Regulations 60.11(d), which states, "At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions."

This further constitutes a violation of the following: Federal Operating Permit O-01472 Term (b)(29); 30 Texas Administrative Code 122.143(4); and Texas Health and 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.

Track No: 689239

Compliance Due Date: To Be Determined

30 TAC Chapter 122.143(4)

30 TAC Chapter 122.145(2)(A)

5C THSC Chapter 382.085(b)

PERMIT 1472, Term (b)(2)

Alleged Violation:

Investigation: 1486565

Comment Date: 10/11/2018

Failure to report all instances of deviations in the deviation report dated July 2, 2018.

An on-site investigation of the Blue Ridge Landfill (BRL) was conducted on April 30, 2018 through July 6, 2018. During the investigation, it was determined that all instances of deviations were not reported as required. One deviation was reported in the deviation report submitted for the time period of December 5, 2017, through June 4, 2018, on July 2, 2018. A second deviation occurred in which the rental flare, with a design capacity of 2,100 standard cubic feet per minute (scfm), had a maximum operating flow documented to be 3,000 scfm on December 8, 2017. This deviation was not reported in the deviation report dated July 2, 2018. This constitutes a violation of 30 Texas Administrative Code (TAC) 122.145(2)(A), which states, "The permit holder shall report, in writing, to the executive director all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit."

This further constitutes a violation of the following: Federal Operating Permit O-01472 Term (b)(2); 30 TAC 122.143(4); and Texas Health and 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.

ADDITIONAL ISSUES

Description	Additional Comments
Item 1	The information and records provided by Blue Ridge Landfill for the Surface Emission Monitoring and follow-up monitoring conducted from April 30, 2018, through May 24, 2018, appeared to contain inconsistencies, and appeared to be incomplete and contain errors. Specifically, information provided for the exceedance locations was inconsistent between responsive documents provided in the New Source Performance Standards periodic report dated July 2, 2018, and email correspondence with coordinates provided May 11, 2018, and May 29, 2018. Additionally, location information was not provided for all exceedance locations upon request, an adjusted instrument reading appears to have been incorrectly calculated, and instrument calibration documentation did not indicate if the calibration was conducted with the instrument modification in place.
Item 2	On May 18, 2018, a visible dark pool of liquid was observed on the south side of the Class 1/Phase 2 area of the landfill. On May 30, 2018, Texas Commission on Environmental Quality investigators noted that the dark pool of liquid was no longer visible. Blue Ridge Landfill is requested to provide information on the specific makeup of the dark pool of liquid, the cause of the pool, and what corrective actions were taken.
Item 3	The daily log for the odor survey conducted by Blue Ridge Landfill on May 22, 2018, was incomplete. Specifically, the log documented that the storage tank area was surveyed but did not indicate if the solidification pit area and citizen collection station were surveyed.
Item 6	Records of odor complaints received by Blue Ridge Landfill contained information data inconsistencies, and response times were absent from the forms. Specifically, an odor complaint form indicated that a complainant smelled odors on May 11, 2018, and the complaint was received by Blue Ridge Landfill on May 10, 2018. Also, Blue Ridge Landfill's initial contact with the complainant, which is to be made within one business day, did not appear to be documented on any of the odor complaint forms provided to the investigator.
Item 8	Appendix 10 of the Odor Control Plan indicates when an exceedance is identified during surface emission monitoring, Blue Ridge Landfill is to identify the sequential number for the exceedance area and note it on the pin flag. TCEQ investigators did not observe sequential numbers noted on all of the pin flags during the Blue Ridge Landfill surface emission monitoring.



TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
Region 12
5425 Polk St., Ste. H
Houston, Texas 77023-1452

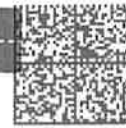
RETURN SERVICE REQUESTED

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



91 7199 9991 7038 7276 6530



U.S. POSTAGE >>> PITNEY BOWES



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MR BURGESS STENGL
ENVIRONMENTAL MANAGER
BLUE RIDGE LANDFILL TX LP
2200 FM 521 ROAD
FRESNO TX 77545