

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 7381 7200**  
**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 Complaint Investigation at:  
Blue Ridge Landfill, 2200 FM 521 Road, Fresno (Fort Bend County), Texas  
Regulated Entity No.: 102610102  
TCEQ MSW Permit No.: 1505A  
Investigation No.: 1489897

Dear Mr. Stengl:

On May 9 through 17, 2018, Ms. Reyna L. Loosmore, Mr. Austin Jorn, Ms. Kimberly Rhodes, and Mr. Trey I'humann of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office and Mr. Nathan Hoppens, Mr. Tom Randolph, Mr. Manuel Gonzalez and Ms. Peyton Pearce of the TCEQ Monitoring Division conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for municipal solid waste, air quality and stormwater. During this investigation, one (1) 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.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.

TCEQ Region 12 • 5425 Polk St., Ste. H • Houston, Texas 77023-1452 • 713-767-3500 • Fax 713-767-3520

Austin Headquarters: 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov) • How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)

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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.

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, Waste 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. Loosmore in the Houston Region Office at (713) 767-3706.

Sincerely,



Alma L. Jefferson, Team Leader  
Waste Section  
Houston Region Office

ALJ/RLL/ug

Enclosures: Summary of Investigation Findings

## Summary of Investigation Findings

BLUE RIDGE LANDFILL

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

Investigation #

1489897  
Investigation Date: 05/09/2018

Additional ID(s): 1505A

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

Track No: 693469 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: 1489897

Comment Date: 10/12/2018

Blue Ridge Landfill (BRL) failed to prevent nuisance odor conditions.

Specifically, during the off-site odor surveys conducted on May 15, 2018 at 10:48 a.m., TCEQ Monitoring Division staff detected strong and offensive landfill garbage/sour rotten odors continuously during the 11 minutes spent downwind of BRL at Juniper Springs Drive in Pearland. Based on the Odor Frequency, Intensity, Duration and Offensiveness (FIDO) chart, landfill garbage is characterized as having an offensive odor. During the 30-day period of April 15 - May 15, 2018, TCEQ staff detected during odor complaint surveys landfill gas/leachate and/or landfill garbage odors coming from the direction of BRL at least three times (on April 25, May 9, and May 15, 2018). Based on these occurrences, the frequency of odors documented by TCEQ staff as of May 15, 2018 was a weekly occurrence. At a weekly frequency, an offensive odor at a strong intensity for at least 10 minutes constitutes a nuisance. Therefore, TCEQ Monitoring Division Staff documented a nuisance odor condition on May 15, 2018.

Also, on May 15, 2018 at 4:25 a.m., TCEQ Water Section investigators detected very light and highly offensive leachate odors during a 16-minute off-site survey. Based on the FIDO chart, landfill gas/leachate is characterized as having a highly offensive odor. The investigators experienced stinging sensations in their nasal passages due to the odors.

On May 16, 2018 at 1:17 a.m., TCEQ Monitoring Division staff detected moderate and offensive garbage odors continuously for 37 minutes. On May 17, 2018 at 12:48 a.m. and 1:45 a.m., TCEQ Monitoring Division staff detected moderate and offensive garbage odors for 38 and 30 minutes, respectively and strong and offensive garbage odors for 16 minutes at 3:20 a.m. downwind of BRL. Based on the documentation of odors during complaint odor surveys at least three consecutive times in a 14-day rolling period, the detection of odors on May 15, 16 and 17, 2018 represented a daily occurrence. Based on a daily frequency, a moderate intensity for at least 10 minutes or a strong intensity for one minute represents a nuisance for an offensive odor. Therefore, TCEQ Monitoring Division Staff also documented nuisance odor conditions on May 16 and 17, 2018.

Except as authorized by a commission rule or order, a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity that causes or contributes to, or that will cause or contribute to, air pollution.

**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.



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

RETURN SERVICE REQUESTED

CERTIFIED MAIL



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