

22 December 2014

Mr. David Dippel, P.G.
MC-124
Texas Commission on Environmental Quality
MSW Permits Section, Waste Permits Division
P.O. Box 13087
Austin, Texas 78711-3087

**Subject: Supplemental Application Revisions
Fairbanks Landfill – Harris County
Municipal Solid Waste (MSW) – Permit Application No. 1565B
CN602560930/RN100218544**

Dear Mr. Dippel:

On behalf of USA Waste of Texas Landfills, Inc., Geosyntec Consultants (Geosyntec) has prepared this letter to request supplemental revisions on the above-referenced permit amendment application. Accompanying revisions to the affected permit application items are attached to this letter. Additionally, Pages 1 and 9 of the Part I Form, which includes the applicant's certification statement for this submittal, are provided at the end of this letter.

REQUESTED REVISIONS

The requested revisions are identified below. The reason for this request is to correct typographical errors that were identified in the application. The resulting replacement pages to the permit amendment application are enclosed with this letter to replace the previously submitted versions of the applicable pages. These revisions have an updated date reflecting the revision. A working copy is also attached to this submittal that uses an underline/strikethrough format, in order to mark the revised text, to highlight the revision and facilitate the TCEQ's review.

- Part II, Appendix IIB, Land Use Study Page 2 of 13; and
- Part II, Appendix IIH, (Wetlands), Pages IIH-5 and IIH-11.

One original and three (3) copies of this submittal are being provided to the TCEQ MSW Permits Section in Austin. An electronic copy of this submittal has also been posted to the internet at the same URL as the initial posting of the application. Additionally, a copy of this submittal is being placed in the Fairbanks Branch Library for public viewing, to accompany the initial application already placed in that library. If you have any questions regarding the information presented in this letter, please do not hesitate to contact the undersigned by telephone at (512) 451-4003, or by E-mail at sgraves@geosyntec.com.

Sincerely,



Scott M. Graves, P.E.

Associate, Geosyntec Consultants, Inc.

Copy to: Mr. Charles Rivette, P.E., USA Waste of Texas Landfills, Inc.
Mr. Steve Jacobs, USA Waste of Texas Landfills, Inc.

PART I FORM UPDATES

(includes Applicant's Certification Statement)

The pages that follow are updates to the Part I Form which include the applicant's certification statement for this submittal.

Facility Name: Fairbanks Landfill
County: Harris
TCEQ Region-12

MSW Authorization #:1565B
Initial Submittal Date:8/30/2013
Revision Date:12/22/2014



Texas Commission on Environmental Quality

Part I Form

New Permit/Registration and Amendment Applications for an MSW Facility

1. Reason for Submittal
<input type="checkbox"/> Initial Submittal <input checked="" type="checkbox"/> Notice of Deficiency (NOD) Response
2. Authorization Type
<input checked="" type="checkbox"/> Permit <input type="checkbox"/> Registration
3. Application Type
<input type="checkbox"/> New <input checked="" type="checkbox"/> Major Amendment <input type="checkbox"/> Major Amendment (Limited Scope)
4. Application Fees
<input type="checkbox"/> Pay by Check <input checked="" type="checkbox"/> Online Payment If paid online, e-Pay Confirmation Number: 582EA000148778
5. Application URL
Is the application submitted for Type I Arid Exempt (AE) and/or Type IV AE facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If the answer is "No", provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted. http://www.wm.com/wm/texas/permits.asp
6. Application Publishing
Party Responsible for Publishing Notice: <input type="checkbox"/> Applicant <input type="checkbox"/> Agent in Service <input checked="" type="checkbox"/> Consultant

Facility Name: Fairbanks Landfill
County: Harris
TCEQ Region-12

MSW Authorization #:1565B
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Signature Page

I, Steve Jacobs, Director of Disposal Operations
(Site Operator (Permittee/Registrant)'s Authorized Signatory) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: [Signature] Date: 12-22-14

TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, _____, hereby designate _____
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

Printed or Typed Name of Operator or Principal Executive Officer

Signature

SUBSCRIBED AND SWORN to before me by the said Steve Jacobs
On this 22nd day of December, 2014
My commission expires on the 27th day of July, 2016

Jill Beardsley
Notary Public in and for _____
Texas County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)



REDLINE/STRIKETHOUGH PAGES

To facilitate TCEQ's review, the attached pages present a "redline/strikethrough" version of the proposed text revisions to the permit amendment application.

INTRODUCTION and DEFINITION OF TERMS

The Fairbanks Landfill is an existing Type IV landfill located in Harris County, northwest of the City of Houston and northeast of the City of Jersey Village. The landfill was initially permitted and began operation in about 198475. The current permit boundary was established in 1998 and encompasses 118.1 acres. The proposed permit amendment would enlarge the facility site by approximately 29.5 acres to the east and 41.35 acres to the south. The enlarged site will include a total of 188.95 acres.

For clarity, this land use analysis includes the following terms:

Area: Surrounding area within a one-mile radius of the total permit boundary

Region: Surrounding region within a five-mile radius of the total permit boundary

Site: Fairbanks Landfill

Existing permit boundary: Perimeter of the current permitted area

Expansion area: Area of land to be added within the permit boundary

Expansion permit boundary: Perimeter of the easterly and southerly expansion area

Total permit boundary: Perimeter of the entire facility for the permit amendment that includes the expansion area

This analysis largely focuses on land use outward from the total permit boundary with occasional reference to the expansion area or expansion permit boundary. Surrounding land within one mile of the existing permit boundary, excluding the present facility, is approximately 3,200 acres, or 5.0 square miles. Surrounding land within one mile of the total permit boundary, excluding the expanded facility, is approximately 3,448 acres, or 5.4 square miles. Permit boundaries and one-mile radii are shown on Drawing 1.

SUMMARY

A Wetland Assessment and Delineation was performed for Waste Management, on a 237 ± acre tract of land, located northwest of the intersection of Fairbanks North Houston Road and Breen Road in Houston, Harris County, Texas.

The subject property was evaluated for its content of jurisdictional wetlands, based on criteria set forth in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (v.2). Using interpretation of historical aerial photography, topographic maps, hydrology indicators, and field evaluation of hydric soils, hydrology, and hydrophytic vegetation, wetlands were identified and delineated as accurately as possible.

Topographical information published by the United States Geological Survey (USGS) indicates a nearly level landscape with storm-water runoff flowing generally towards the south. The Federal Emergency Management Agency (FEMA) floodplain maps published in 2009 indicate only the extreme western boundary portion of the subject property lies within the 100-year floodplain.

The United States Department of Agriculture (USDA), Web Soil Survey of Harris County, Texas, was, for the most part, reasonably accurate in identifying the basic soil type on the property as Gessner loam (Ge), Addicks loam (Ad), and Wockley fine sandy loam (Wo).

Vegetation communities were evaluated and documented to delineate wetland and upland boundaries. In upland areas, the subject property was dominated by Bermuda grass (*Cynodon dactylon*), common sunflower (*Helianthus annuus*), woolly croton (*Croton capitatus*), loblolly pine (*Pinus taeda*), and yaupon holly (*Ilex vomitoria*). In the wetland fringe areas, the subject property was dominated by savannah panicgrass (*Phanopyrum gymnocarpon*).

Based on the wetland delineation presented in this report and the data collected using a Global Positioning System (GPS) satellite equipment, it is our conclusion that 0.25 acres of the subject property's total acreage would be classified as ~~jurisdictional adjacent wetlands~~, 1.83 acres would be classified as an upland man-made drainage ditch (non-jurisdictional) and 10.84 acres would be classified as an excavated sand pit (non-jurisdictional).

isolated wetlands (non-jurisdictional),

CONCLUSIONS

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Respectfully,

Michael Neisch
Ecologist
Berg ♦ Oliver Associates, Inc.

Shanon Mathis
Project Manager
Berg ♦ Oliver Associates, Inc.

Copies Submitted: 2

Berg ♦ Oliver Associates, Inc.
BOA Job No. 8499WD12

Application Page No. IIH-11

Submitted August 2013;
Page Revised December 2014

REPLACEMENT PAGES

The enclosed items are to completely replace the previous versions of those pages.

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