

# Texas Commission on Environmental Quality



## Permit for a Municipal Solid Waste (MSW) Management Facility

Issued under provisions of Texas  
Health & Safety Code  
Chapter 361

MSW Permit No.: 2406

Name of Site Operator/Permittee: PC-II, LLC

Operator: PC-II, LLC

Property Owner: PC-II, LLC

Facility Name: Peach Creek Environmental Park

Facility Address: From the intersection of FM 1725 and Fostoria Tram, south 1.9 miles on Fostoria Tram Road to Jayhawker Road, west approximately 0.7 mile to Rajak Road, north 0.3 mile to facility entrance road.

Facility Classification: Type I Municipal Solid Waste Management Facility

The permittee is authorized to store, process, and dispose of wastes in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules and orders of the Commission and laws of the State of Texas and it replaces any previously issued permit. Nothing in this permit exempts the permittee from compliance with other applicable rules and regulations of the Texas Commission on Environmental Quality. This permit will be valid until canceled, amended, or revoked by the Commission.

*Approved, Issued and Effective* in accordance with Title 30, Texas Administrative Code (30 TAC), Chapter 330.

Issued Date:

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For the Commission

## Contents

<b>I.</b>	<b>Facility Location and Size .....</b>	<b>3</b>
A.	Facility Physical Location .....	3
B.	Facility Permanent Benchmark .....	3
C.	Facility Legal Description.....	3
D.	Facility Size .....	3
<b>II.</b>	<b>Hours of Waste Acceptance and Operation.....</b>	<b>3</b>
<b>III.</b>	<b>Authorized Waste Streams, Waste Acceptance Rate, and Landfill Disposal Capacity.....</b>	<b>4</b>
A.	Authorized Waste Streams .....	4
B.	Prohibited Waste Streams .....	4
C.	Waste Acceptance Rate.....	4
D.	Landfill Disposal Capacity .....	4
<b>IV.</b>	<b>Facility Design, Construction, Operation, and Maintenance.....</b>	<b>4</b>
A.	General Facility Requirements.....	4
B.	Authorized Waste Management Units.....	5
C.	Liner and Leachate Collection Systems.....	6
D.	Elevations of Waste Placement .....	6
E.	Management of Leachate and Gas Condensate .....	6
F.	Management of Contaminated Water.....	6
G.	Final Cover System .....	6
H.	Landfill Gas Management.....	7
I.	Groundwater Monitoring System .....	7
J.	Surface Water and Stormwater Management and Control .....	7
K.	Vector Control.....	8
L.	Facility Sign Requirements .....	8
M.	Landfill Markers .....	8
N.	Facility Personnel.....	8
<b>V.</b>	<b>Financial Assurance .....</b>	<b>8</b>
<b>VI.</b>	<b>Facility Closure .....</b>	<b>9</b>
<b>VII.</b>	<b>Facility Post-Closure Care.....</b>	<b>10</b>
<b>VIII.</b>	<b>Standard Permit Conditions .....</b>	<b>10</b>
<b>IX.</b>	<b>Incorporated Regulatory Requirements .....</b>	<b>12</b>
<b>X.</b>	<b>Special Provisions .....</b>	<b>12</b>
	<b>Attachment A.....</b>	<b>12</b>
	<b>Attachment B .....</b>	<b>12</b>

**I. Facility Location and Size**

A. Facility Physical Location

Peach Creek Environmental Park

From the intersection of FM 1725 and Fostoria Tram Road, south 1.9 miles on Fostoria Tram Road to Jayhawker Road, west approximately 0.7 mile to Rajak Road, north 0.3 mile to facility entrance road.

San Jacinto County

B. Facility Permanent Benchmark

N 10,142,891.41

E 3,919,027.91

Reference Frame: NAD83 (2011) (EPOCH:2010.0000) Texas Central Zone

Elevation: 206.99 feet above mean sea level

Datum: NAVD88 - GEOID18

C. Facility Legal Description

The legal description is contained in Section 13 of Parts I & II in Attachment A of this permit.

D. Facility Size

636 acres

**II. Hours of Waste Acceptance and Operation**

- A. The waste acceptance hours at this facility shall be any time between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and from 7:00 am to 12:00 pm on Saturday. The operating hours at this landfill which include material transportation and use of heavy equipment shall be any time between the hours of 5:00 a.m. to 9:00 p.m. Monday through Saturday.
- B. The operator shall post the actual hours and days of operation on the site sign in accordance with 30 TAC §330.137.
- C. In accordance with 30 TAC §§330.135(c) and (d), the TCEQ Regional Office may allow additional temporary operating hours to address disaster or other emergency situations, or other unforeseen circumstances that could result in the disruption of waste management services in the area. The facility must record, in the site operating record, the dates, times, and duration when any alternative operating hours are utilized.

### **III. Authorized Waste Streams, Waste Acceptance Rate, and Landfill Disposal Capacity**

#### **A. Authorized Waste Streams**

The permittee is authorized to dispose of household waste, yard waste, commercial waste, Class 2 and 3 non-hazardous industrial solid waste, construction-demolition waste, and specific special wastes identified in Part IV in Attachment A of this permit. The acceptance of the special wastes is contingent upon such waste being handled in accordance with 30 TAC §330.171, and in accordance with the listed and described procedures in Part IV in Attachment A of this permit, subject to the provisions of this permit.

#### **B. Prohibited Waste Streams**

The permittee shall not accept or knowingly dispose of the wastes listed in 30 TAC §330.15(e), subject to the provisions therein. The permittee shall not accept or knowingly dispose of Class 1 nonhazardous industrial solid waste, industrial hazardous waste, liquid wastes, or any other waste not identified in Section III.A. of this permit.

#### **C. Waste Acceptance Rate**

Solid waste may be accepted for disposal at this facility at the initial rate of approximately 371,800 tons per year [approximately 1,300 tons per day based on 286 days per year of operation] and increasing over time to a maximum acceptance rate of approximately 563,525 tons per year [approximately 1,970 tons per day based on 286 days per year of operation]. The actual yearly waste disposal acceptance rate is a rolling quantity based on the sum of the previous four quarters of waste acceptance. In accordance with 30 TAC 330.125(h), if the annual waste acceptance rate exceeds the rate estimated in the landfill permit application and the waste increase is not due to a temporary occurrence, the owner or operator shall file an application to modify the permit, including the revised estimated waste acceptance rate, in accordance with 30 TAC §305.70(k), within 90 days of the exceedance as established by the sum of the previous four quarterly summary reports. The application must propose any needed changes in the site operating plan to manage the increased waste acceptance rate to protect public health and the environment. The increased waste acceptance rate may justify requiring permit conditions that are different from or absent in the existing permit. This provision is not intended to make an estimated waste acceptance rate a limiting parameter of a landfill permit.

#### **D. Landfill Disposal Capacity**

The total waste disposal capacity of the landfill (including waste and daily and intermediate cover) is 16.3 million cubic yards.

### **IV. Facility Design, Construction, Operation, and Maintenance**

#### **A. General Facility Requirements**

1. Facility design, construction, operation and maintenance must comply with the provisions of this permit; commission rules, including but not limited to, 30 TAC Chapter 330; special provisions contained in this permit; Parts I through IV of the permit application incorporated by reference in Attachment A of this permit; amendments, corrections, and modifications incorporated by

reference in Attachment B of this permit. The facility construction and operation shall be conducted in a manner that is protective of human health and the environment.

2. The facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant beyond the point of compliance defined in 30 TAC §330.3, and to prevent inundation or discharge from the areas surrounding the facility components. Each receiving, storage, processing, and disposal area shall have a containment system that will collect spills and incidental precipitation in such a manner that prevents:
  - a. The release of any contaminated runoff, spills, or precipitation;
  - b. Washout of any waste by a 100-year frequency flood; and
  - c. Run-on into the disposal areas from off-site areas.
3. The site shall be designed and operated so as not to cause a violation of:
  - a. The requirements of §26.121 of the Texas Water Code;
  - b. Any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements of §402, as amended, and/or the Texas Pollutant Discharge Elimination System (TPDES), as amended;
  - c. The requirements under §404 of the Federal Clean Water Act, as amended; and
  - d. Any requirement of an area wide or statewide water quality management plan that has been approved under §208 or §319 of the Federal Clean Water Act, as amended.

B. Authorized Waste Management Units

1. The permittee is authorized to operate a Type I municipal solid waste landfill consisting of a total area within the permit boundary of 636 acres and a waste disposal footprint of 115 acres. The permittee is also authorized to operate a Citizen's Convenience Center and other waste processing areas as identified in Part IV in Attachment A of this permit.
2. All waste disposal activities authorized by this permit are to be confined to the Type I landfill which shall include access roads, scales, gatehouse, dikes, berms and temporary drainage channels, permanent drainage structures, detention ponds, landfill gas management system, contaminated water management system, leachate management system, landfill liner and final cover systems, groundwater monitoring system, and other components.
3. All waste processing activities authorized by this permit are to be confined to the locations of the processing unit location depicted in figures and descriptions in Parts III and IV in Attachment A of this permit.

C. Liner and Leachate Collection Systems

1. A liner and leachate collection system in accordance with 30 TAC §330.331 must be installed in all cells. The liner and leachate collection systems shall be designed and constructed in accordance with the rules and the specifications in Part III in Attachment A of this permit, and must consist of, from top to bottom, a 24-inch-thick protective cover soil layer, 270-mil thick geocomposite leachate collection layer, a 60-mil thick HDPE geomembrane layer, and a 24-inch layer of re-compacted clay with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  centimeters per second (cm/s)
2. The liner system shall be installed over the entire bottom and sidewalls of the landfill.
3. The elevation of deepest excavation at the landfill disposal area is 170.00 feet above msl and is located at the leachate collection sump within Cells 1 through 5 of the landfill.
4. The elevations of the bottom of the excavations within the waste disposal areas shall be as shown in D3.3 in Part III, Attachment D in Attachment A of this permit.

D. Elevations of Waste Placement

1. The lowest elevation of waste placement will be approximately 178.5 feet above mean sea level (msl).
2. The maximum final elevation of waste placement will be approximately 381.9 feet above msl.

E. Management of Leachate and Gas Condensate

1. Any leachate collection and removal system required by this permit shall be operated and maintained in accordance with 30 TAC §§330.331(a)(2) and 330.333 and Parts III and IV in Attachment A of this permit.
2. Any leachate and gas condensate shall be handled, stored, treated, and disposed of in accordance with Part IV in Attachment A of this permit.

F. Management of Contaminated Water

All contaminated surface water and groundwater shall be handled, stored, treated, and disposed of in accordance with 30 TAC § 330.207 and Part IV in Attachment A of this permit.

G. Final Cover System

1. The final cover system shall be constructed over all waste placed in landfill cells in accordance with 30 TAC §330.457 and Part III in Attachment A of this permit, and must consist of, from top to bottom, a 24-inch thick erosion layer soil with the top six inches layer being capable of sustaining native plant growth, a 200-mil thick double-sided drainage geocomposite layer (sideslope) or an 8 oz/sy cushion geotextile layer (topslope), 40-mil thick LLDPE textured

geomembrane layer, and an 18-inch thick compacted clay with a coefficient of permeability no greater than  $1 \times 10^{-5}$  cm/s.

2. The maximum elevation of the final cover shall not exceed 385.4 feet above msl.
3. Best management practices for temporary erosion and sedimentation control shall remain in place until vegetative cover has been established to design percentage vegetative cover for control and mitigation of erosion.

#### H. Landfill Gas Management

1. A landfill gas management system, consisting of landfill gas monitoring probes and gas monitoring equipment for enclosed structures, shall be designed, installed, operated, and maintained in accordance with Part III, Attachment G in Attachment A of this permit and 30 TAC Chapter 330, Subchapter I. At a minimum, landfill gas monitoring shall be conducted quarterly.
2. The landfill gas management system shall ensure that the concentration of methane gas generated by the facility does not exceed 5% by volume in monitoring points, probes, subsurface soils, or other matrices at the facility boundary defined by the legal description in the permit and does not exceed 1.25% by volume in facility enclosed structures (excluding gas control or recovery system components). If methane gas levels exceeding these limits are detected, the owner or operator shall follow and implement the response procedures required in 30 TAC §330.371(c) to ensure protection of human health and the environment.

#### I. Groundwater Monitoring System

1. The groundwater monitoring system for the facility shall be designed, installed, and maintained in accordance with 30 TAC Chapter 330, Subchapter J, and Part III, Attachment F in Attachment A of this permit.
2. Groundwater from monitoring wells shall be sampled, samples analyzed, and results reported to the executive director in accordance with 30 TAC §§330.405, and Part III, Attachment F in Attachment A of this permit.
3. In the event a statistically significant increase over background for one or more of the constituents listed in 30 TAC §330.419 is determined, assessment monitoring shall be performed in accordance with 30 TAC §330.409 and Part III, Attachment F in Attachment A of this permit.
4. In the event that assessment monitoring identifies any of the 40 Code of Federal Regulations Part 258, Appendix II constituents at a statistically significant level above the groundwater protection standards defined in 30 TAC §330.409(h), (i), or (j), the permittee shall perform an assessment of corrective measures, selection of remedy, and groundwater corrective action in accordance with 30 TAC §§330.411, 330.413, and 330.415.

#### J. Surface Water and Stormwater Management and Control

Surface water and stormwater that has not come in contact with waste or leachate shall be managed and controlled with conveyance structures, berms, and levees that

have been designed and constructed in accordance with 30 TAC §§330.63(c), 330.301 through 330.307 and Part III in Attachment A to this permit.

**K. Vector Control**

The facility shall be operated in a manner that ensures that the attraction of birds does not cause a hazard to low-flying aircraft and that appropriate bird control procedures are followed. Any increase in bird activity that could be hazardous to safe aircraft operations requires immediate mitigation actions.

The facility shall control on-site populations of disease vectors using proper compaction and daily cover procedures, and the use of other approved methods when needed. The general methods and performance-based frequencies for disease vector control shall be in accordance with Part IV in Attachment A to this permit.

**L. Facility Sign Requirements**

The permittee shall conspicuously display at all entrances to the facility through which wastes are received, a sign measuring at least four feet by four feet with letters at least three inches in height stating the facility name; type of facility; the hours and days of operation; an emergency 24-hour contact phone number(s) that reaches an individual with the authority to obligate the facility at all times that the facility is closed; the local emergency fire department phone number; and the permit number.

**M. Landfill Markers**

Landfill markers shall be installed and maintained in accordance with 30 TAC §330.143 and Part IV in Attachment A of this permit.

**N. Facility Personnel**

The permittee shall comply with 30 TAC §330.59(f)(3) regarding employment of a licensed solid waste facility supervisor. The permittee shall ensure that landfill personnel are familiar with safety procedures, contingency plans, the requirements of the Commission's rules and this permit, commensurate with their levels and positions of responsibility as specified in Part IV in Attachment A of this permit. All facility employees and other persons involved in facility operations must obtain and maintain the level of training or certification as required by applicable regulations.

**V. Financial Assurance**

A. Authorization to operate the facility is contingent upon compliance with this permit and maintenance of financial assurance in accordance with 30 TAC Chapter 330 Subchapter L and 30 TAC Chapter 37.

B. At least 60 days before the initial receipt of waste, the permittee shall provide to the executive director financial assurance instrument(s) for demonstration of closure in an amount not less than \$11,478,203.64 (2020 dollars). The mechanism must be in effect before the initial receipt of waste. The permittee shall maintain continuous financial assurance coverage for closure until all requirements for facility closure have been completed and the facility is officially placed under the post-closure maintenance period, as evidenced in writing by the executive director in accordance with 30 TAC §330.503(b).



- C. At least 60 days before the initial receipt of waste, the permittee shall provide financial assurance instrument(s) for demonstration of post-closure care of the landfill in an amount not less than \$6,765,018.75 (2020 dollars). The mechanism must be in effect before the initial receipt of waste. The permittee shall maintain continuous financial assurance coverage for post-closure care until the facility is officially released in writing by the executive director from the post-closure care period in accordance with 30 TAC §330.507(b).
- D. The permittee shall annually adjust the closure and post-closure care cost estimates for inflation within 60 days prior to the anniversary date of the establishment of the financial assurance instrument in accordance with 30 TAC §37.131. Per 30 TAC §330.503(a)(1) and §330.507(a), the permittee shall annually evaluate the closure and post-closure care cost estimates, to determine if an increase in the closure cost estimate or post-closure care cost estimate is required because of the continuous landfill development.
- E. If the facility's closure or post-closure care plan is modified, the permittee shall provide new cost estimates in current dollars in accordance with 30 TAC §§330.503 and 330.507. The amount of the facility's financial assurance mechanism shall be adjusted within 60 days after the modification is approved. Adjustments to the cost estimates or the financial assurance instrument to comply with any financial assurance regulation that is adopted by the TCEQ subsequent to the issuance of this permit shall be initiated as a modification within 30 days after the effective date of the new regulation.

## VI. Facility Closure

- A. Closure of the facility must commence:
  - 1. Upon the landfill being filled to its permitted waste disposal capacity or upon the landfill reaching its permitted maximum waste elevations as depicted on drawings in Part III in Attachment A of this permit;
  - 2. Upon direction by the executive director of the TCEQ for failure by the permittee to comply with the terms and conditions of this permit or violation of State or Federal regulations. The executive director is authorized to issue emergency orders to the permittee in accordance with §§5.501 and 5.512 of the Water Code regarding this matter after considering whether an emergency requiring immediate action to protect the public health and safety exists;
  - 3. Upon abandonment of the site by the permittee;
  - 4. Upon direction by the executive director for failure by the permittee to secure and maintain an adequate bond or other acceptable financial assurance instrument as required; or
  - 5. Upon the permittee's notification to the TCEQ that the landfill will cease to accept waste and no longer operate.

- B. Closure Completion Requirements:

Facility closure shall be performed and completed in accordance with 30 TAC §§330.21, 330.451, 330.457, 330.459, and 330.461 and Part III, Attachment H in Attachment A of this permit.

**VII. Facility Post-Closure Care**

- A. Upon completion and closure of the landfill, post-closure care shall be conducted in accordance with 30 TAC §330.463 and Part III, Attachment I in Attachment A of this permit for a period of 30 years following written acceptance of the certification of final closure by the executive director.
- B. Throughout the post-closure care period the vegetation on the final cover must be monitored and necessary actions taken to establish and maintain the percentage vegetative cover specified in Part III, Attachment H in Attachment A of this permit.
- C. Following completion of the post-closure care period, the owner or operator shall submit to the executive director for review and approval a documented certification prepared by an independent professional engineer licensed in the State of Texas in accordance with 30 TAC §330.465.
- D. Upon written acceptance of the certification of completion of post closure care by the executive director, the permittee shall submit to the executive director a request for voluntary revocation of this permit.

**VIII. Standard Permit Conditions**

- A. This permit is based on and the permittee shall follow the permit application dated August 19, 2019 and received August 28, 2019 for Parts I and II; dated August 27, 2020 and received September 16, 2020 for Parts III and IV; and revisions dated January 28, 2020, August 27, 2020, December 11, 2020, April 30, 2021, June 11, 2021, August 13, 2021, and October 11, 2021. These application submittals are hereby approved subject to the terms of this permit, the rules and regulations, and any orders of the TCEQ, and are incorporated into this permit by reference in Attachment A as if fully set out herein. Any and all revisions to these application submittals shall become conditions of this permit upon the date of approval by the Commission. The permittee shall maintain the application and all revisions and supporting documentation at the facility and make them available for inspection by TCEQ personnel.
- B. Attachment B of this permit shall consist of all duly executed amendments, modifications, and corrections to this permit.
- C. The permittee has a duty to comply with all conditions of this permit. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- D. A pre-construction conference shall be held pursuant to 30 TAC §330.73(d) prior to beginning physical construction of the facility to ensure that all aspects of this permit, construction activities, and inspections are met. Additional pre-construction conferences may be held prior to the opening of the facility.
- E. A pre-opening inspection shall be held pursuant to 30 TAC §330.73(f). The facility shall not accept solid waste until the executive director has confirmed in writing that all applicable submissions required by the permit and applicable rules have been received and found to be acceptable and that construction is in compliance with the permit and the approved site development plan.

- F. The permittee shall monitor sediment accumulation in ditches and culverts on a quarterly basis, and remove sedimentation to re-establish the design flow grades on an annual basis or more frequently if necessary to maintain design flow. The roads within the facility shall be designed so as to minimize the tracking of mud onto the public access road.
- G. Prior to disposal of waste, the permittee shall record in the deed records of San Jacinto County, a metes and bounds description of all portions within the permit boundary on which disposal of solid waste has or will take place, shall provide a certified copy of the recorded document(s) to the executive director in accordance with 30 TAC §330.19.
- H. Daily cover of the waste fill areas shall be performed with well-compacted clean earthen material that has not been in contact with garbage, rubbish, or other solid waste, or with an alternate daily cover which has been approved in accordance with 30 TAC §§330.165(d) and 305.70(k). Intermediate cover, run-on control berms, and run-off control berms shall not be constructed from soil that has been used as daily cover or which contains waste or chemical contaminants.
- I. During construction and operation of the facility, measures shall be taken to control runoff, erosion, and sedimentation from disturbed areas. Erosion and sedimentation control measures shall be inspected and maintained at least monthly and after each storm event that meets or exceeds the design storm event. Erosion and sedimentation controls shall remain functional until disturbed areas are stabilized with established permanent revegetation. The permittee shall maintain the on-site access road and speed bumps/mud control devices in such a manner as to minimize the buildup of mud on the access road and to maintain a safe road surface.
- J. Erosion stability measures shall be maintained on top dome surfaces and external embankment side slopes during all phases of landfill operation, closure, and post-closure care in accordance with 30 TAC §330.305(d) and Part III in Attachment A of this permit.
- K. In compliance with the requirements of 30 TAC §330.145, the permittee shall consult with the local District Office of the Texas Department of Transportation or other authority responsible for road maintenance, as applicable, to determine standards for litter and mud cleanup on state, county, or city maintained roads serving the site. Documentation of this consultation shall be placed in the site operating record prior to receipt of waste at the facility.
- L. The permittee shall retain the right of entry onto the site until the end of the post-closure care period as required by 30 TAC §330.67(b).
- M. The permittee shall retain the right of entry onto the site in accordance with 30 TAC §330.67(b) and shall allow entry onto the site by TCEQ personnel for inspection purposes during the site operating life and until the end of the post-closure care period in accordance with §361.032 of the Texas Health and Safety Code.
- N. The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the remainder of this permit shall not be affected.
- O. Regardless of the specific design contained in the application or adopted by reference in Attachments A and B of this permit, the permittee shall be required to meet all

performance standards required by the permit, the Texas Administrative Code, and local, state, and federal laws or ordinances.

- P. The permittee shall comply with the requirements of the air permit exemption in 30 TAC §106.534, if applicable, and the applicable requirements of 30 TAC Chapters 106 and 116 and 30 TAC Chapter 330, Subchapter U.
- Q. All discharge of storm water must be in accordance with the U.S. Environmental Protection Agency NPDES requirements and the State of Texas TPDES requirements, as applicable.
- R. The permittee shall furnish to the executive director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit, and copies of records required to be kept by the permit.
- S. The permittee shall report any noncompliance to the executive director which may endanger human health and safety, or the environment in accordance with 30 TAC §305.125(9).
- T. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application, or in any report to the executive director, it shall promptly submit such facts or information.
- U. The permittee shall notify the executive, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy in accordance with 30 TAC §305.125(22).
- V. Any proposed facility changes, additions, or expansions must be authorized in accordance with the rules in 30 TAC Chapters 305 and 330.

**IX. Incorporated Regulatory Requirements**

- A. The permittee shall comply with all applicable federal, state, and local regulations and shall obtain any and all other required permits prior to the beginning of any on-site improvements or construction approved by this permit.
- B. To the extent applicable, the requirements of 30 TAC Chapters 37, 281, 305, and 330 are adopted by reference and are hereby made provisions and conditions of this permit.

**X. Special Provisions**

None.

**Attachment A**

Parts I through IV of the permit application.

**Attachment B**

Amendments, corrections, and modifications issued for MSW Permit No. 2406.