Technical Summary and Executive Director's Preliminary Decision of the

Peach Creek Environmental Park MSW Permit Application No. 2406

Type I Municipal Solid Waste Facility
San Jacinto County, Texas

Applicant:
PC-II, LLC

Date Prepared: April 2024

By the
Municipal Solid Waste (MSW) Permits Section
Office of Waste, Waste Permits Division
Texas Commission on Environmental Quality

This summary was prepared in accordance with 30 Texas Administrative Code Section 281.21(c). The information contained in this summary is based upon the permit application and has not been independently verified.

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Contents

1. Applicant Contact Information

Name of Applicant:	PC-II, LLC 300 Concourse Boulevard, Suite 101 Ridgeland, MS 39157
Name of Facility:	Peach Creek Environmental Park
Contact Person:	Mr. Jeffery Hobby, Project Manager 300 Concourse Boulevard, Suite 101 Ridgeland, MS 39157 Phone No.: (601) 362-3333
Consulting Engineer:	Mr. Shawn C. Buell, P.E. Neel Schaffer, Inc. 13430 Northwest Freeway, Suite 650 Houston, TX 77040 Phone No.: (225) 924-0235

2. General Information

2.1 Permit Application

The applicant has submitted this application requesting authorization to construct and operate a new Type I MSW landfill in San Jacinto County, Texas. The total permitted facility will include 595 acres of which approximately 115 acres will be used for waste disposal. The final elevation of the waste fill and final cover material will be 385.4 feet above mean sea level (msl).

2.2 Wastes to be Accepted

Solid waste to be disposed of will consist 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 the permit. The proposed landfill will not be authorized to accept wastes other than the wastes mentioned above, and those waste streams that are expressly prohibited by Title 30 Texas Administrative Code (30 TAC) Chapter 330.

The landfill unit(s) may not accept wastes that are expressly prohibited by Title 30 Texas Administrative Code (30 TAC) Chapter 330, and any waste that is not authorized for acceptance.

2.3 Waste Acceptance Rate and Landfill Life

Authorized wastes may be accepted at an initial rate of approximately 1,300 tons per day and may increase to approximately 1,970 tons per day. The estimated site life is approximately 21.4 years.

3. Technical Review

The application has been technically reviewed by the MSW Permits Section to determine its compliance with the applicable requirements in 30 TAC Chapters 305 and 330. Chapter 305 sets forth standards and requirements for applications; Chapter 330 contains the minimum regulatory criteria for MSW facilities. A site assessment pursuant to 30 TAC 330.73(c) was conducted on November 16, 2023. The results of the assessment are documented in Attachment 1 to this Technical Summary.

The information in the permit application demonstrates compliance with the Chapters 305 and 330 regulatory requirements. The application was declared technically complete and a draft permit has been prepared.

4. Location and Size

4.1 Location

The proposed facility is located in San Jacinto County and does not have a street address. Its physical location is approximately six miles Northwest of the intersection of US 59 and Business SH 105. The primary access route to the landfill will be from I-69 northbound to Business SH 105 west, to FM 1725 north, to Fostoria Tram Road south, to the site access driveway.

4.2 Elevation and Coordinates of Permanent Benchmark

Elevation: 206.99 feet above mean sea level (msl)

Coordinates: N 10.14289141
E 3.91902791

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

Site Coordinates:

Latitude: 30° 23’ 20” N
Longitude: 95° 11’ 25” W

4.3 Size

The total area within the permit boundary under the proposed permit is approximately 595 acres.

5. Facility Design, Construction, and Operation

5.1 Facilities Authorized

The permit will authorize the operation of a Type I municipal solid waste landfill with a total net disposal volume (waste and daily and intermediate cover) of approximately 16.3 million cubic yards in addition to support structures and facilities as described in the permit application and subject to the limitations contained in the permit and commission rules.

The facility consists of a site entrance with security fencing, a gatehouse, scales, an all-weather entrance road to the site, all-weather access roads, soil stockpiles, landfill gas monitoring and (if necessary) collection system, leachate collection system, groundwater monitoring system, below-grade slurry wall, and the solid waste disposal area. Structures for surface drainage and stormwater run-on/runoff control include a perimeter drainage system to convey stormwater runoff around the site, berms, ditches, detention ponds and associated drainage structures. The site also consists of a Citizen's Convenience Center and other auxiliary waste management areas as identified in Part IV of the application.

5.2 Waste Placement

The maximum elevation of waste placement will be approximately 381.9 feet above msl. The minimum elevation of waste placement will be approximately 178.5 feet above msl. The deepest excavation elevation for the liner and sumps is approximately 170.0 feet above msl.

5.3 Liner

A liner system meeting the requirements of 30 TAC Chapter 330 Subchapter H will be constructed. It will consist of the following components (listed in order from top to bottom of liner system):

- 270 mil geocomposite leachate collection layer
- 60 mil HDPE geomembrane
- 24 inches compacted clay (permeability no greater than $1x10^{-7}$ cm/s)

The liner system will be overlaid by two feet of soil protective cover. A slurry wall is proposed to be constructed around the waste disposal area outside the groundwater monitoring well network.

5.4 Final Cover System

The final cover system is designed to meet the requirements of 30 TAC Chapter 330 Subchapter K and will be placed on the above-grade waste. Each cell or phase will be covered with a composite final cover consisting of the following components (listed in order from top to bottom):

- 24 inches of erosion layer with the top 6-inch layer capable of sustaining native plant growth
- 200 mil double-sided drainage geocomposite on sideslope; and 8 oz/sy cushion geotextile layer on topslope
- 40 mil LLDPE textured geomembrane
- 18-inch infiltration layer (permeability no greater than $1x10^{-5}$ cm/s)

5.5 Leachate Collection System

The leachate collection system consists of a leachate collection layer (geocomposite drainage layer), leachate collection trenches, pipes, sumps, risers, and pumps. Leachate re-circulation is not proposed for this facility. Leachate must be transported off-site for treatment and disposal. The leachate collection system is designed to meet the requirements of 30 TAC §330.333 and will be placed on top of the liner system.

6. Land Use

The application provides information about land use in the vicinity of the site in accordance with 30 TAC §330.61(h).

6.1 Zoning

The proposed facility would be located outside of the territorial and extraterritorial limits of any city. There is no zoning at the site.

6.2 Surrounding Land Uses

The predominant land use within one mile of the facility is classified as Open, consisting of silviculture (timber and forest land), agriculture (small farms and pastures), vacant, and floodplain. The land use within one mile is open (97.7%), residential (1.6%), cooperative (0.6%), and water bodies 0.1%). No cemeteries, churches, daycares, or other special-use facilities special-use facilities were observed on mapping, in database searches, during literature reviews, or during the field inventory survey conducted in January 2019.

6.3 Residences and Businesses

There are 90 acres of residential land (90 residences) within one mile of the facility. The nearest residence is approximately 2,700 feet west of the landfill permit boundary.

6.4 Schools, Churches, and Historical Sites

There are no known cemeteries, churches, daycares, or other special-use facilities within one mile of the permit boundary. The Texas Historical

Commission in its July 17, 2020 correspondence stated that no historical properties are present or affected by the proposed project; and there is no effect on identified archaeological sites or other cultural resources.

6.5 Growth Trends

The proposed site is in San Jacinto County near the borders of Liberty County and Montgomery County. Major population growth has been taking place in the neighboring Montgomery County, south and southwest of the landfill site. The population in San Jacinto County increased by 7.2% from 2010 to 2017, compared to 10.6% in Liberty County and 25.3% in Montgomery County for the same period. Within five miles of the site, the population growth trends from 2012 to 2017 are 1.03% per year in San Jacinto County, 0.4% in area to the southeast in Liberty County, and 2.87% to 3.17% in areas to the west and south in Montgomery County.

7. Location Restrictions

Location restrictions for municipal solid waste landfills are set forth in 30 TAC Chapter 330, Subchapter M.

7.1 Airport Safety

No airports are located within a six-mile radius of the facility.

7.2 Floodplains

The proposed waste disposal and other waste management activities are not located within a 100-year floodplain. The facility is considered to be in compliance with 30 TAC §330.547.

7.3 Wetlands

Section 11.2 of Parts I and II of the application states that on December 15, 2020, the U.S. Army Corps of Engineers made a preliminary jurisdictional determination that 1.58 acres of the site are jurisdictional waters of the U.S.; and the applicant is not proposing any disturbance or activities in those areas.

7.4 Fault Areas and Seismic Impact Zones

The application indicates that based on literature review and field inspection, no evidence was found for any fault on the facility or within 200 feet of the facility boundary; and there is no active fault known to exist on or within ½ mile of the facility. Per Railroad Commission GIS information, there are only two oil wells and one gas well located within 1 mile of the facility (the nearest well is approximately one-quarter mile to the northeast). The facility area is also not experiencing withdrawals of significant amounts of groundwater; there are no producing water wells on the facility and fewer than 20 water wells located

within one mile of the facility. The facility is not located within a seismic impact zone as defined in 30 TAC §330.557. Therefore, the facility is considered to be in compliance with 30 TAC §330.555 and §330.557.

7.5 Unstable Areas

No known unstable areas as defined in 30 TAC §330.559 were found at the site. The facility is considered to be in compliance with 30 TAC §330.559.

7.6 Protection of Endangered Species

Coordination letters with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department are included in Appendix B of Parts I and II of the application. A biological assessment prepared to evaluate potential impacts to endangered and threatened species and to provide measures for protection such species is included in Appendix H. The biological assessment determined that no area on or near the site has been identified as critical habitat for any threatened or endangered species. A species protection plan has been developed and included as Appendix IVC in Part IV of the application. Section 12 of Parts I and II concludes that no adverse impact to such species or any critical habitat is anticipated because of construction and operation of the landfill.

8. Transportation and Access

The primary access route to the landfill will be from I-69 northbound to Business SH 105 west, to FM 1725 north, to Fostoria Tram Road south, to the site access driveway. The facility will be accessed from a new site access driveway to be constructed within Peach Creek property extending northwest from Fostoria Tram Road. As discussed in the February 14, 2024 letter from San Jacinto County Commissioner David Brandon to TCEQ, included in Appendix L, the County Commissioner's Court approved the connection of the PC-II site access driveway and Fostoria Tram Road in the December 13, 2023 meeting and has entered into an agreement for proposed upgrades to Fostoria Tram Road.

The site access driveway, which will be an all-weather driveway constructed as described in Attachment D, Section 3.1 of this application, will be located west of Fostoria Tram Road, approximately 1.8 miles south of the intersection of Fostoria Tram Road and FM 1725. The proposed access roads for the landfill within a one-mile radius, FM 1725 and the site access driveway, are depicted on Drawing C0.02. Coordination with the Texas Department of Transportation (TxDOT), Lufkin District, is included in Appendix B.

The report of a Traffic Impact Analysis (TIA) study is included as Appendix L in Parts I and II of this application and has been provided to the Texas Department of Transportation. The TIA indicates that based on peak hour and daily traffic projections, the existing and proposed roadways and intersections serving the subject facility will be adequate for the traffic generated by the Landfill, as well as the background traffic not

associated with the proposed Landfill, through the year 2050. On April 1, 2024 TxDOT approved the TIA without any issues or concerns.

9. Water Protection

Water that has come into contact with waste, leachate, or gas condensate is contaminated water, as defined in 30 TAC §330.3. Stormwater that comes into contact with solid waste will be considered contaminated water. Temporary berms will be constructed to minimize the amount of surface water that comes into contact with the waste. Contaminated stormwater at the working face will be contained by berms. Contaminated surface water and groundwater will not be placed in or on the landfill. Contaminated water will be transported to an authorized facility for treatment and disposal. A minimum 50-feet buffer will be maintained along the stream channels on the site for heavy equipment movement or construction activities. Equipment staging areas will be outside of riparian corridors.

10. Groundwater Protection

10.1 Groundwater Protection:

The liner system and leachate collection system will provide protection of groundwater from contamination. A slurry wall is proposed to be constructed around the waste disposal area outside the groundwater monitoring well network.

10.2 Monitoring Wells:

The groundwater monitoring system which will provide for detection of potential releases from the facility will consist of 22 monitor wells. The groundwater monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Groundwater Sampling and Analysis Plan (Attachment F of the Permit Application), which is part of the facility permit. A slurry wall is proposed to be constructed around the waste disposal area outside of the groundwater monitoring network of wells. Piezometers will be installed outside of the slurry wall to monitor water level differences between inside and outside the slurry wall and provide for additional groundwater monitoring if needed.

11. Landfill Gas Management

A landfill gas monitoring system consisting of permanent landfill gas monitoring probes around the perimeter of the facility will be monitored quarterly to detect potential gas migration at the facility boundary.

Enclosed facility structures will be monitored quarterly for methane.

12. Site Development Plan and Site Operating Plan

The Site Development Plan (SDP) is Part III of the permit application and sets forth the engineering design and other technical aspects of the facility. The Site Operating Plan (SOP) is Part IV of the permit application. The SOP provides operating procedures for the site management and the site operating personnel for the daily operation of the facility to maintain the facility in compliance with the engineering design and applicable regulatory requirements. These documents become part of the permit.

13. Financial Assurance

Authorization to operate this facility is contingent upon the maintenance of financial assurance in accordance with 30 TAC Chapter 330, Subchapter L and Chapter 37 (Financial Assurance) for closure and post-closure care.

14. Public Participation Process.

Technical review of the application has been completed, the application has been declared technically complete, and a draft permit and *Notice of Application and Preliminary Decision* (NAPD) have been prepared. Information about the application, the draft permit, the notice, and this technical summary will be filed in the TCEQ Office of the Chief Clerk for processing.

The public can participate in the final decision on the issuance of a permit as follows:

14.1 The TCEQ will hold a public meeting if the executive director determines that there is substantial public interest in the application or if requested by a local legislator. During a public meeting the commission accepts formal comments on an application and holds an informal question and answer period. Two public meetings have been held on September 28, 2021 and March 22, 2022, respectively.

14.2 The NAPD will be sent to the applicant and published in a newspaper. The NAPD provides instructions for submitting comments, requesting a public meeting, or requesting a hearing on the application, and that all comments or requests must be submitted within 30 days from the date of newspaper publication of the notice.

14.3 After the comment period has ended, if comments are received a *Response to Comments* (RTC) will be prepared. The RTC will be sent to all persons who submitted comments or requested a public meeting or hearing on the application. Persons who receive the RTC will have an additional 30 days after the date the RTC is mailed in which to request a public hearing.

14.4 After the 30-day period to request a hearing has ended, if any requests have been received the matter will be placed on an agenda for a meeting of the TCEQ commissioners to determine whether to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.

14.5 A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant party(ies) present witnesses and testimony to support or dispute information contained in the application. When the hearing process is complete, the ALJ will issue a *Proposal for Decision* (PFD). The PFD will be placed on an agenda for a meeting of the TCEQ commissioners to consider whether to grant or deny the application.

14.6 After the commission has acted on an application, a motion for rehearing may be made by a party that does not agree with the decision. A motion for rehearing must be filed no later than 25 days after the party or the party's attorney of record is notified of the decision. The motion may be set on another agenda for consideration by the commission or allowed to expire by operation of law.

14.7 Applications for which no one requests a contested case hearing, and which meet all other requirements in 30 TAC 50.133(a) are uncontested applications and will be acted on by the executive director. An uncontested application will be placed on the executive director's agenda and the permit will be issued. The TCEQ will then mail notice that the permit was issued. The notice will be mailed according to 30 TAC 50.133(b) to the applicant, to any person who requested to be on the mailing list for the application, any person who submitted comments during the public comment period, and any person who timely filed a request for a contested case hearing. The notice will include information about the opportunity to file a motion to overturn the executive director's decision. Any motion to overturn the executive director's decision must be submitted no later than 23 days after the date the agency mails notice of the issued permit.

15. Executive Director's Preliminary Decision

The executive director has made the preliminary decision that this proposed permit, if issued, meets all statutory and regulatory requirements.

16. Additional Information

For information concerning the regulations covering this application, contact the Municipal Solid Waste Permits Section:

Mr. Frank Zeng, Project Manager
Municipal Solid Waste Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087

Austin, Texas 78711
Email: Frank.Zeng@tceq.texas.gov

For more detailed technical information concerning any aspect of this application or to request a copy of the SDP or SOP, please contact the consulting engineer or the applicant at the address provided at the beginning of this summary.

The application can be viewed on the internet at
https://www.tceq.texas.gov/goto/mswapps

For information concerning the legal aspects of the hearing process, agency rules, and submitting public comments, please contact the Texas Commission on Environmental Quality's Office of the Public Interest Counsel at (512) 239-6363.

Attachment 1—Municipal Solid Waste Site Assessment Form

Texas Commission on Environmental Quality

Municipal Solid Waste Site Assessment Form

Facility Information

Regulated Entity Name: PEACH CREEK ENVIRONMENTAL PARK		RN: RN110843042
Customer Name: PC-II LLC		CN: CN605694611
Permit Number: 2406	Application Type: ☑ New Permit ☐ Amendment	
Facility Type (check all that apply): ☑ Type I ☐ Type IV ☐ Arid Exempt		
Physical Address: About 6 miles northwest of City of Cleveland, TX		

Facility Representative

Present (check all that apply): ☑ Applicant ☐ Consultant ☐ Other:	
Name: Jeff Hobby	
Email: info@peachcreekep.com	Phone: 601-362-3333
Additional Names (if applicable):	

TCEQ Reviewer

Name: Frank Zeng	Date of Site Assessment: 11/16/2023
Email: frank.zeng@tceq.texas.gov	Phone: 512-239-1132
Is the location consistent with physical address? ☑ Yes ☐ No	
If No, provide location description:	
Additional Names: Burgess Stengl, Eric Clegg	

Consistency with Application

Check **Yes** or **No** if an item is present or has been constructed, and if it is consistent with the application. If an item is not consistent with the application, explain briefly why in the *Comments* column. If an item is not applicable, skip to the *Comments* column and indicate **NA**. Use the Additional Comments section at end of this form for more comment space.

Item	Constructed?	Consistent?	Comments
Application Notice Signs	☐ Yes ☑ No	☑ Yes ☐ No	The site entrance location will be relocated to a location different than originally proposed.
Facility Access Controls	☐ Yes ☑ No	☑ Yes ☐ No	
Facility Entrance Roads	☐ Yes ☑ No	☑ Yes ☐ No	
Facility Buildings	☐ Yes ☑ No	☑ Yes ☐ No	
Landfill Gas Monitoring Wells	☐ Yes ☑ No	☑ Yes ☐ No	

Item	Constructed?	Consistent?	Comments
Groundwater Monitoring Wells	☐ Yes ☑ No	☑ Yes ☐ No	
Existing or Abandoned Water Wells	☐ Yes ☐ No	☑ Yes ☐ No	
Existing or Abandoned Oil, Gas, or RRC Wells	☐ Yes ☐ No	☑ Yes ☐ No	
Surface Water Features	☐ Yes ☐ No	☑ Yes ☐ No	
Permanent Benchmark	☑ Yes ☐ No	☑ Yes ☐ No	
Permit Boundary Markers	☐ Yes ☑ No	☑ Yes ☐ No	
Buffer Zone Markers	☐ Yes ☑ No	☑ Yes ☐ No	
Easement Markers	☑ Yes ☐ No	☑ Yes ☐ No	
Floodplain Markers	☐ Yes ☑ No	☑ Yes ☐ No	
Property Boundary	☑ Yes ☐ No	☑ Yes ☐ No	
Easements Within or Adjacent to Permit Boundary	☐ Yes ☑ No	☑ Yes ☐ No	
Existing Structures Within 500 feet of Permit Boundary	☐ Yes ☑ No	☑ Yes ☐ No	From on-site no offsite structures can be observed due to dense trees.

Additional Comments:

Jayhawker Creek was observed dry with no water in the creek bed. Per the site personnel, the site area had rain for a week that ended a couple of days ago. A "temporary" on-sie access road was oberserved with a two-barrel culvert on the creek.