Regulatory Updates

U.S. EPA LMOP
Texas Workshop on Landfill To Gas Energy
Garland, Texas
July 16, 2013
Regulatory Updates Agenda

- Authorization of Municipal Solid Waste Type IX LFGTE Facilities
- EPA’s Topic
- Municipal Solid Waste Air Permitting
- Q&A Discussions
Authorization of MSW Type IX LFGTE Facilities

Agenda

- Applicable Statutes and Rules
- Contents of a Type IX LFGTE Facility Application
- Application Process Improvement
- Type IX LFGTE Facility Types in Texas
Applicable Statute
Texas Health and Safety Code (THSC)

- THSC Chapter 361, Section 361.092
  - “The commission may require a registration to extract materials for energy and material recovery and for gas recovery from closed or inactive portions of a solid waste facility ---.”

- THSC Chapter 361 Sections 361.0861
  - “--- not required to obtain ---- a separate permit --- . -- must register with the commission in accordance with commission rules --- .”
Applicable Rules
30 TAC §330.9(k)

- Establishes Registration-by-Rule (RBR)
- Reduces Application Burden
  - No Preliminary Admin Review
  - No Public Meeting Notification/Publication
  - Submittal of Part IV Not Required
- Prescribes Contents of the Application
Contents of a Type IX LFGTE Application

- Core Data Form
- Part I Requirements Per §330.59
  - Facility Legal Description
  - Property Owner Information
  - Legal Status of Applicant
  - Evidence of Competence
  - General Location Map
Contents of a Type IX LFGTE Application

- Large-Scale Plan Drawing of the Landfill Facility Showing:
  - The Units and Boundaries of the Landfill and the Type IX LFGTE Facility
  - The Limits of Waste Placement & Easements
  - The LFG Treatment, Gas Compression, Electric Power Generation, & Other Beneficial Gas-use Equipment
Contents of a Type IX LFGTE Application

- Safety Provisions For Enclosed Structures:
  - Fire Control Facilities;
  - Continuous Methane Monitoring; and
  - Explosion-Proof Fixtures

- Provisions for Condensate Management

- Estimation of Avg Daily Gas Production

- Estimation of Design Daily Gas Production
Contents of a Type IX LFGTE Application

- Provide Process Units Descriptions
- Address Facility Closure and Closure Certification Per §330.459 and §330.461
- Provide Closure Cost Estimate Per §330.505
- Provide Financial Assurance Per 30 TAC Chapter 37, Subchapter R
Contents of a Type IX LFGTE Application

- Comply with Subchapter E of Chapter 330
- Acquire All Authorizations Regarding Air Emissions
Application Process Improvement

- The Application is Now a Form
- Fill out the MSW Type IX Facility Application Form
- Include Attachments
- Separate Part I Form No Longer Required
Texas Commission on Environmental Quality
Type IX Landfill Gas to Energy Facility Registration by Rule
Application Form

<table>
<thead>
<tr>
<th>Project/Facility’s Name</th>
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<tr>
<td>Registration No.</td>
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<tr>
<td>Site Operator (Registrant) Name</td>
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<tr>
<td>Operator’s Name</td>
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<td>City</td>
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<tr>
<td>County</td>
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<td>P.E. Signature &amp; Seal</td>
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<tr>
<td>Texas Registered Engineering Firm Number</td>
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</tbody>
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**Type IX Form**

**Attachments**

*Required Attachments*
- Facility Legal Description
  - Facility Metes and Bounds Description
  - Metes and Bounds Drawings
  - On-Site Easements Drawing
- Property Owner Affidavit
- Verification of Legal Status
- Evidence of Competency
- General Location Map
- Site Layout Plan
- Closure Cost Estimate and Financial Assurance
- Fire and Explosion Control and Protection
- Process Unit Description

*Additional Attachments as Applicable- Select all those apply and add as necessary*
- TCEQ Core Data Form(s)
- Signatory Authority Delegation
- Fee Payment Receipt
- Confidential Documents
- Waste Storage, Processing and Disposal Ordinances
- Final Plat Record of Property
- Certificate of Fact (Certificate of Incorporation)
- Assumed Name Certificate
- Copy of the Lease for the Use Of or Option to Buy Property and Units

Facility Name: 
County: 
TCEQ Region: 
MSW Authorization #: 
Initial Submittal Date: 
Revision Date: 
MSW Authorization # 
Initial Submittal Date: 
Revision Date: 

TCEQ-20651, (rev. 03/08/13)
Type IX LFGTE Facility Types in Texas

- Total Authorized - 33
  - Generating Electricity - 21
  - Producing Treated Gas - 12
  - Closed and Revoked - 1
Locations of Currently Authorized Type IX LFGTE Facilities in TX
Summary

- Statutes and Rules that Apply to LFGTE Facilities in Texas
- Contents of a Type IX LFGTE Facility Application
- New Type IX LFGTE Application Forms
- Stats of Currently Authorized Type IX LFGTE Facility in Texas
Matthew Udenenwu, Team Leader
MSW Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
(512) 239-6229
Matthew.udenenwu@tceq.texas.gov