

## **SOLID WASTE PLAN CONFORMANCE CHECKLIST**

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The Texas Commission on Environmental Quality (TCEQ) requires that all municipal solid waste (MSW) facilities proposed for siting in the CAPCOG region conform to CAPCOG's Regional Solid Waste Management Plan (RSWMP). (Texas Health and Safety Code §363.066; 30 TAC §330.635.) TCEQ's permitting procedures state that it is the responsibility of the applicant to demonstrate conformance to the RSWMP. (30 TAC §330.61(p)).

CAPCOG, with the assistance of its Solid Waste Advisory Committee (SWAC), will review permit and registration applications filed with the TCEQ to determine their conformance to the RSWMP. All applicants must complete this Solid Waste Plan Conformance Checklist, and submit it to CAPCOG along with the items described in Chapter III of the RSWMP, to assist CAPCOG in making this determination.

The applicant must complete the Checklist to the best of his or her ability to demonstrate how the proposed facility will help in promoting the goals and objectives of the RSWMP. CAPCOG's Solid Waste Program Coordinator will return an incomplete Checklist to the applicant with a written explanation of its deficiencies. The applicant may resubmit the Checklist when all the deficiencies are corrected.

If you need additional space to answer a Checklist question, or the question requires an attachment, attach letter-size continuation sheets, reduce or fold attachments to letter size if possible, and insert each continuation sheet and attachment following the Checklist page it supplements. Include the Checklist question number on the continuation sheet and attachment, and number the sheets in sequence—for example, the continuation sheets answering a question on Checklist page 3 should be numbered 3-1, 3-2, etc.

The grade sheet that the SWAC will use to evaluate your responses to the Checklist is attached for your information.

Submit the completed Checklist to:

Capital Area Council of Governments  
Attn: Solid Waste Program Coordinator  
2512 IH-35 South, Suite 200  
Austin, TX 78704

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**Section 1: General Applicant Information**

1.1 Applicant's Name: \_\_\_\_\_

1.2 Location of proposed facility  
Nearest City: \_\_\_\_\_ County: \_\_\_\_\_

1.3  New facility or  Amendment to current permit/registration

1.4 *Is this a permit or a registration application?*  
 Permit No. \_\_\_\_\_  Registration No. \_\_\_\_\_

1.5 *What type of MSW facility is being registered or permitted?*  
 Type I Landfill  Type IV AE Landfill  
 Type I AE Landfill  Type V Facility  
 Type IV Landfill  Other (please describe)  
Describe "Other" below:

1.6 *What types of waste(s) will be accepted at your facility?*

1.7 Do you currently or plan to accept special or industrial waste? If yes, which classes? If no, write "No."

1.8 Do you currently or do you plan on accepting treatment plant sludge, treated sewage or any other potentially odorous wastes?  Yes  No

1.9 What entity or entities in the CAPCOG Region is this facility intended to serve?

1.10 Does your facility have an operating or host agreement with any CAPCOG entity or entities? If so, please provide a copy. If not, do you plan to enter into one?

1.11 If the proposed facility is other than a landfill, where will the stored or processed wastes be taken for disposal?

## Section 2: Conformance to Regional Goals and Objectives

The following questions assess conformance to the Regional Solid Waste Management Plan. These questions are based on CAPCOG's Regional Goals and Objectives, which include land use compatibility and local community concerns.

2.1. What measures do you plan to take to make your facility accessible to the general public? (e.g., citizens collection station, inclement weather plan, posted fee scales, map availability, public advertising methods, etc.)

2.2. Describe your plans to deter illegal dumping through initiatives such as community cleanup events, free or reduced rate events, public education, etc.

2.3. If applicable, how will your facility manage scrap/used tires? Please explain in detail.

2.4. What are your plans for managing yard waste and brush? Please explain in detail.

2.5. Will any of the following items be diverted for recycling or reuse?

- |   |  |
|---|--|
| <input type="checkbox"/> Electronics                    | <input type="checkbox"/> Yard waste & brush      |
| <input type="checkbox"/> White Goods                    | <input type="checkbox"/> Scrap Metal             |
| <input type="checkbox"/> Construction/Demolition Debris | <input type="checkbox"/> Other (please describe) |
| <input type="checkbox"/> Tires                          |  |

2.6. If the proposed facility is other than a landfill, what, if any, measures will be taken to minimize, reduce, or recycle the waste before it is hauled off for disposal?

2.7. Is the site of your proposed facility subject to zoning or siting restrictions by federal, state or local governments?  Yes  No

2.8. The applicant must demonstrate compliance with local land use regulations by (i) providing a written list of all local land use regulations relevant to the MSW facility, and (ii) providing documentation from the applicable zoning or siting entity stating that the proposed facility will be in compliance with its regulations.

2.9. Please identify the number of residences and business establishments, as well as environmentally sensitive features including but not limited to wetlands, floodplains, water supply aquifer recharge zones and state and federally listed species localities or habitat within a 1-mile radius of the outer boundary of the proposed facility site.

2.10. The applicant must demonstrate that it has adequately addressed the risk of nuisance conditions from a MSW facility impacting nearby persons, property, or land uses by providing a written plan containing reasonable and appropriate measures to avoid if possible or minimize if avoidance is not possible such conditions through (i) controlling litter blown from the MSW facility or released from the operator's vehicles going to or from the MSW facility, (ii) managing the quantity and quality of stormwater from the facility, (iii) controlling birds and disease vectors from the facility, (iv) controlling odor from the MSW facility through the use of daily cover and other means, (v) controlling excessive noise or light pollution, and (vi) establishing appropriate buffers and setbacks.

2.11. The applicant must demonstrate that road, drainage, and other infrastructure needs and/or problems created by a MSW facility have been fully addressed by providing documentation from appropriate governmental entities that such needs and problems have been addressed. In the event that such documentation cannot be obtained by the applicant, the applicant must present evidence that it has made a reasonable and good-faith effort to obtain such documentation.

2.12. The applicant must demonstrate compatibility with existing and planned land uses in the vicinity of the MSW facility by providing documentation from appropriate governmental entities that the facility is not incompatible with existing and planned land uses. In the event that such documentation cannot be obtained by the applicant, the applicant must present evidence that it has made a reasonable and good-faith effort to obtain such documentation.

2.13. The applicant must demonstrate that it has addressed the likely visual and aesthetic impacts from a MSW facility on nearby persons, property, and land uses by providing a written plan for including reasonable buffers and setbacks, landscaping, or other "context sensitive" measures that the applicant will employ to minimize such impacts.

2.14. If the proposed facility is a landfill, what will be the maximum permitted and maximum potential (theoretical geometric calculation) fill height of the facility? (Please provide a final contour map of the proposed facility.)

\_\_\_\_\_ Feet above existing grade and \_\_\_\_\_ feet above mean sea level

- 2.15. If the permit or registration that is the subject of the application would raise the elevation of either an existing MSW facility or natural ground, the applicant must demonstrate that it has assessed potential impacts on the natural landscape by providing a written statement that identifies the highest elevation natural feature within two miles of the facility.
- 2.15 Please provide compliance history for the past five years of all permitted or registered facilities operated by the applicant in Texas, using TCEQ records. Please explain what corrective actions have been taken to prevent recurrent violations, if any violations occurred. Please list the number of Notices of Violations (NOVs) received in the past 5 years for each permitted or registered facility operated in Texas. Please list the number of corrective actions taken in response to NOVs in the past 5 years for each permitted or registered facility operated in Texas. Please list all Enforcement Actions (EAs) for each permitted or registered facility operated in Texas. Please list all fines, settlements, or other outcomes of NOV or EA events at all permitted or registered facilities operating in Texas.

**Section 3: Certification**

I certify that I read and understood the requirements of this Checklist; that I am authorized to make this certification on behalf of the Applicant; and that, to the best of my knowledge, the information supplied by the Applicant for this Checklist is correct and complete.

\_\_\_\_\_  
Name of Applicant

By \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**SWAC CHECKLIST GRADE SHEET**

<b>Checklist item</b>	<b>Conforms (Y or N)</b>	<b>If NO, specified deficiency &amp; suggestions for remedy</b>	<b>Comments</b>
2.1			
2.2			
2.3			
2.4			
2.5			
2.6			
2.7			
2.8			
2.9			
2.10			
2.11			
2.12			
2.13			
2.14			
2.15			
2.16			

For each item, the SWAC will rate the response as either conforming or deficient. For each item rated deficient, the SWAC will detail the deficiency and make suggestions as to potential remedy. The SWAC may also add comments and/or specific information that would be helpful in determining conformance. Any comments or suggestions by the SWAC are for guidance and do not relieve the applicant of responsibility for demonstrating conformance. This grade sheet is intended to help the SWAC in its conformance review. A grade of “YES” or “NO” on any item or items does not constrain the SWAC in its review and recommendation to the CAPCOG Executive Committee. The CAPCOG Executive Committee will make the final determination of conformance.