**CAPITAL AREA COUNCIL OF GOVERNMENTS REGIONAL SOLID WASTE MANAGEMENT PLAN CONFORMANCE REVIEW CHECKLIST**

Adopted by CAPCOG Executive Committee January 12, 2005

Revised by CAPCOG Executive Committee on August 8, 2018

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.) It is the responsibility of the applicant to demonstrate conformance to the RSWMP.

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 as described in Volume II of the RSWMP, to assist CAPCOG in making this determination.

The applicant’s representative must complete the Checklist 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. As required under 30 TAC §330.57(e)(2), the applicant must submit any amendments to parts I or II of application to CAPCOG. If the applicant amends parts I or II of the application, the applicant must also submit an updated conformance review checklist with a cover letter explaining the changes. Failure to provide amended applications and checklists may be grounds for a non-conformance determination by CAPCOG.

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 Ken May, Regional Programs Coordinator at kmay@capcog.org and Andrew Hoekzema, Director of Regional Services at ahoekzema@capcog.org.

In order to review Volumes I and II of CAPCOG’s RSWMP, local MSW facility siting ordinances, and CAPCOG’s model local MSW facility siting ordinance, which includes recommended set-back distances between MSW facilities and various sensitive features, please visit: <http://www.capcog.org/divisions/regional-services/solid-waste-planning>.

# Section 1: General Applicant Information

* 1. Applicant's Name:
	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. Do you currently or plan to accept special or industrial waste? If yes, which classes? If no, write “No.”

* 1. Do you currently or do you plan on accepting treatment plant sludge, treated sewage or any other potentially odorous wastes? [ ]  Yes [ ]  No
	2. What entity or entities in the CAPCOG Region is this facility intended to serve?

* 1. 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. If the proposedfacility is other than a landfill, where will the stored or processed wastes betaken for disposal?

* 1. Do you wish to meet with CAPCOG’s SWAC (or a SWAC subcommittee formed for the review of this application) prior to CAPCOG commencing its conformance review?
	[ ]  Yes [ ]  No
	2. Do you wish to make a presentation to the SWAC when it considers a recommendation to CAPCOG’s Executive Committee on this application’s conformance to CAPCOG’s RSWMP? [ ]  Yes [ ]  No

**Section 2: Land Use Compatibility and 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.)

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

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

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

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

 [ ]  Electronics [ ]  Yard waste & brush

 [ ]  White Goods [ ]  Scrap Metal

 [ ]  Construction/Demolition Debris [ ]  Other (please describe)

 [ ]  Tires

1. 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?

1. If the proposed authorization is a registration, how does the application qualify for a registration rather than a permit, and why – in light of the more limited opportunities for members of the public to contest a registration compared to a permit – a registration for this facility would better serve the public interest than a permit?

1. Is the site of your proposed facility subject to zoning or siting restrictions by federal, state or local governments? Please note that you must mark “yes” to this question if any local government with jurisdiction over the proposed location has adopted a MSW facility siting ordinance pursuant to Texas Health and Safety Code §363.112 or §364 and or adopted any floodplain regulations pursuant to Texas Water Code §16.315, regardless of whether or not the applicant believes that the ordinance applies to the proposed facility. [ ]  Yes [ ]  No
2. 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. Make sure to include consideration of any MSW facility siting ordinances and floodplain management ordinances adopted by the local government with jurisdiction over the proposed site. If the applicant believes that any such local ordinances do not apply to the facility, it must provide an explanation and verification of this claim from all local governments with jurisdiction over the proposed location.
3. Please provide a map identifying all schools, land owned by school districts for future schools, public and private water wells, neighborhoods, individual residences, business establishments, day care facilities, places of worship, historic sites, health care facilities, areas of direct drainage to any public surface drinking supply, areas of direct drainage to a recharge aquifer, 100-year floodplain, parks, tourist attractions, scenic roads, airport runways used by piston-driven aircraft, airport runways used by turbojet-powered aircraft, wetland areas, fault areas that have shifted since the last Ice Age, seismic impact zones, habitat for state and federally listed species, and any other potentially sensitive features within a 1-mile radius of the outer boundary of the proposed facility site. See definitions listed in CAPCOG’s 2004 Model MSW Facility Siting Ordinance if clarification is needed.

1. What is the shortest distance between the outer boundary of the proposed facility site and the following features within 1 mile of the proposed facility? (if a listed feature is not located within 1 mile of the outer boundary of the proposed facility, mark “N/A”):
	1. An existing school:       feet
	2. Land owned by a school district for a future school:       feet
	3. A public or private water well:       feet
	4. A neighborhood:       feet
	5. An individual residence:      feet
	6. A day care facility:       feet
	7. A place of worship:       feet
	8. An area of direct drainage to
	any public surface drinking supply:       feet
	9. An historic site:       feet
	10. A health care facility:       feet
	11. An area of direct drainage to any recharge aquifers:       feet
	12. Any officially recognized 100-year floodplain       feet
	13. A park:       feet
	14. A tourist attraction       feet
	15. A designated scenic road:       feet
	16. An airport runway used by piston-driven aircraft       feet
	17. An airport runway used by turbojet-powered aircraft       feet
	18. A wetland area       feet
	19. A fault area that has shifted since the last Ice Age       feet
	20. A seismic impact zone       feet
	21. Habitat for state- or federally-listed species       feet
2. Have local governments with jurisdiction over the facility specifically identified this location as suitable for the type of MSW handling (disposal or processing) proposed for this location? (Under Vol. II of CAPCOG’s RSWMP, if a local government has a MSW siting ordinance in place designating the proposed site as suitable for the proposed use, CAPCOG’s RSWMP will not contradict it)

1. 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. Note that full enclosure of the location where waste would be stored and processed (“full enclosure” defined here as enclosure above and at least ¾ around the storage or processing area laterally) and operation of active odor controls are presumed to be “reasonable” and “appropriate” measures to avoid or minimize odor conditions for any Type V transfer station. Where feasible, full enclosure of storage or processing areas and operation of active odor controls are also presumed to be “reasonable” and “appropriate” measures to avoid or minimize odor conditions for any other Type V facility. If an applicant is proposing a Type V facility without full enclosure and active odor controls for the processing and storage areas, the applicant should demonstrate either that: 1) other proposed odor control measures will be at least as effective at controlling odor as full enclosure and active odor controls or 2) full enclosure of the processing and storage areas would be infeasible for the facility.

1. 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. At a minimum, this must include documentation from: 1) the County, 2) if the proposed facility is located within the extra-territorial jurisdiction (ETJ) or city limits of a city government, the applicable City Government, and 3) if a local school district owns land within 1 mile of the outer boundary of the proposed facility, the applicable school district. 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.

1. 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. At a minimum, this must include documentation from: 1) the County, 2) if the proposed facility is located within the extra-territorial jurisdiction (ETJ) or city limits of a city government, the applicable City Government, and 3) if a local school district owns land within 1 mile of the outer boundary of the proposed facility, the applicable school district. 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.

1. 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.

1. 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

1. 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 and a demonstration that the proposed elevation will not cause adverse off-site flooding impacts (as is required in part II of the application under 30 TAC §330.61(m)(1)).

1. 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

|  |  |  |  |
| --- | --- | --- | --- |
| **Checklist item** | **Conforms (Y or N)**  | **If NO, specified deficiency & suggestions for remedy (if appropriate)** | **Comments** |
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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, including indicating which aspect of the RSWMP the response may indicate non-conformance. Where appropriate, the SWAC may 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 recommendation to CAPCOG’s Executive Committee. 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.

CAPCOG reserves the right to present any information to the SWAC and Executive Committee that could be relevant in assessing conformance to CAPCOG’s RSWMP, not just the information provided by the applicant in this checklist or in parts I and II of the application. This may include, among other things, set-back distance criteria that have been incorporated into any local ordinance or that have been recommended in CAPCOG’s 2004 model MSW facility siting ordinance. If, after the SWAC has made a recommendation to the Executive Committee, CAPCOG staff or SWAC members become aware of other relevant information not considered by the SWAC in making its recommendation, CAPCOG staff reserves the right to bring that information to the SWAC to reconsider their recommendation or to present that information directly to the Executive Committee for their consideration. It is therefore in the best interests of all parties involved that the applicant be as thorough and comprehensive in providing the requested information as early as possible. The CAPCOG Executive Committee will make the final determination of conformance.