Texas Commission on Environmental Quality
Abandoned and Nuisance Building Disposal
Application Form

This application form must be used to demonstrate compliance with a Permit by Rule which authorizes counties and municipalities with a population of 12,000 (in accordance with Texas Health and Safety Code, Section 361.126) or less to dispose of abandoned and nuisance buildings.

**Instructions:** Please fill out all sections. If an item is not applicable, please mark NA and provide an explanation as to why it is not applicable, unless otherwise noted. The completed form and all attachments must be submitted and one copy must be sent directly to the appropriate Texas Commission on Environmental Quality (TCEQ) Regional Office.

# Applicant Information

|  |  |
| --- | --- |
| Applicant Name: |  |
| Address: |  |
| City: |  | County: |  | State: |  |
| Zip Code: |  | Phone: |  |
| Applicant Contact: |  |
| Email Address: |  |
| Title: |  |
| Address: |  |
| City: |  | State: |  |
| Zip Code: |  | Phone: |  |

# Disposal Site Information

|  |  |
| --- | --- |
| Address: |  |
| City: |  | State: |  |
| Zip Code: |  | Phone: |  |
| Expected Start Date for Waste Receipt: |  |
| Provide a description of how to get to the site from an intersection of a major interstate or state roadway. |
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[ ]  Yes [ ] No Is disposal site within 100-year floodplain? This information may be found at <https://msc.fema.gov/portal> or contact your local flood control district.

[ ]  Yes [ ] No Will the facility be located and operated to prevent the destruction or adverse modification of critical habitats of endangered or threatened species and the taking of any endangered or threatened species?

[ ]  Yes [ ] No Will municipal solid waste disposal, storage and/or processing activities be located within wetlands?

# Disposal Site Property Owner Contact Information

|  |  |
| --- | --- |
| Name: |  |
| Address: |  |
| City: |  | State: |  |
| Zip Code: |  | Phone: |  |

# Eligibility

Population of County or Municipality: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] Yes [ ] No Is the disposal location west of the 25-inch line shown below? If Yes, **mark your location** on the map and **skip down to “Facility Operations.”**

[ ] Yes [ ] No Is the disposal location within a closed facility, or adjacent to an active facility, for which an Arid Exemption was previously approved? If Yes, skip down to “Facility Operations.”

If No to both questions, what is the average annual rainfall? \_\_\_\_\_\_\_\_\_\_\_\_
(Provide an attachment with data for at least 30 years from nearest weather station and indicate the source of data.)

# Facility Operations

[ ]  Yes [ ] No At least 48 hours before the first disposal of waste will the permittee notify their TCEQ Regional Office of the intent to dispose of waste under this authorization? Regional office addresses and phone numbers may be found at the website: <https://www.tceq.texas.gov/agency/directory/region>.

[ ]  Yes [ ] No Will the facility only accept the following wastes?

Waste must be from demolition of structures, including non-regulated asbestos-containing materials (non-RACM), regulated asbestos-containing materials (RACM), or the clearing of properties acquired by the county or municipality by means of bankruptcy, tax delinquency or condemnation from a person not capable of paying the cost of disposal at a permitted landfill. Accepted waste includes brush, construction and demolition waste and rubbish. Rubbish includes paper, rags, cartons, wood, furniture, rubber, plastic, glass, crockery, metal. A complete definition of “rubbish” is provided in 30 TAC §330.3(130).

[ ]  Yes [ ] No Will the facility prevent disposal of putrescible waste, wastes prohibited by 30 TAC §330.15(e), and any waste not listed immediately above as acceptable.

[ ]  Yes [ ] No Will the facility screen waste in the following manner?

Facility is not for public use. A sign must be posted at the site entrance to indicate this. Waste disposed under this authorization will be from properties containing nuisance or abandoned structures that have been acquired by permittee through bankruptcy, tax delinquency or condemnation from a person not capable of paying the cost of disposal at a permitted landfill. Wastes will be appropriate for a Type IV unit as specified under 30 TAC §330.5(a)(2) and will not include putrescible waste or wastes prohibited under 30 TAC §330.15(e). Permittee representative will visually inspect waste loads for conformance with this section. Abandoned and nuisance structures will be surveyed for asbestos and abated in accordance with Title 25, Part 1, Chapter 295, Subchapter C, if applicable.

[ ]  Yes [ ] No Will the facility accept RACM? Note: A “Yes” response serves as notification to the executive director that RACM will be accepted.

[ ]  Yes [ ] No [ ] Not Applicable If the facility will accept RACM, will RACM waste be disposed in the following manner?

RACM must be transported and received at the facility in tightly closed and unruptured containers or bags or wrapped with at least six-mil polyethylene. Bags or containers holding RACM must be carefully unloaded and placed in the final disposal location and immediately covered with at least 6 inches of soil. Care must be taken during unloading and placement of RACM and during application of the cover so that the bags or containers are not ruptured.

[ ]  Yes [ ] No Will the facility have access control, such as fencing or natural barriers, including locking gates?

[ ]  Yes [ ] No Will the facility maintain a minimum distance of 50 feet as a buffer between the permit boundary and waste storage, processing and disposal areas?

[ ]  Yes [ ] No Will the facility ensure that no disposal occurs within a utility or pipeline easement or within 25 feet of the center of a utility or pipeline easement?

[ ]  Yes [ ] No Will waste placement be limited to below natural grade?

[ ]  Yes [ ] No At least once a week, will the facility place at least six inches of soil or use tarps to completely cover waste? Tarps may be used for up to seven days, after which soil or final cover must be placed. Please note that tarps may not be used to replace soil cover requirements for RACM and non-RACM.

[ ]  Yes [ ] No Will the facility limit waste volume to less than 2.5 million cubic meters?

[ ]  Yes [ ] No Will the permittee post a sign(s) at all entrances to the facility indicating that the facility is NOT FOR PUBLIC USE and will the sign include 24-hour emergency contact information?

[ ]  Yes [ ] No Will the facility manage run-on and runoff during peak discharge of the 25-year/24-hour rainfall event? This would require diversion berms at the upgradient end of trenches and disposal of water that has contacted waste at an authorized treatment facility.

[ ]  Yes [ ] No Will the facility be maintained in a sanitary condition? Evidence of sanitary operation is the absence of vectors and odors associated with waste activities.

[ ]  Yes [ ] No Will the permittee provide annual reporting in accordance with §330.675(a)?

[ ]  Yes [ ] No Before a trench that has received waste has been inactive for 180 days, will the permittee place 12 inches of well compacted soil over the waste, or place final cover as described below?

**Trench Final Cover**

Final cover will be no less than 2 feet of soil. The lower 18 inches shall be compacted clayey soil while the top six inches shall be suitable topsoil.

[ ]  Yes [ ] No Within 60 days, will final cover be placed on a trench that has reached its capacity or when the trench will no longer be used?

[ ]  Yes [ ] No Will the permittee notify the executive director and applicable regional office that final cover was placed within seven days of completing placement of final cover on a trench?

[ ]  Yes [ ] No Will the top of final cover be placed at pre-existing grades or up to 3 feet above pre-existing grade?

# Provide a Brief Description of Any Waste Processing to Occur at the Facility

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| Processing allowed under this authorization includes only volume reduction (chipping, grinding, etc., but not burning). Tires, RACM and non-RACM may not be processed. Air emission authorizations, should they be required, are not addressed by this authorization. |
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# Provide the Dimensions of Disposal Capacity

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| --- |
| Please provide the estimated dimensions (length, width and depth) of the waste disposal unit. If multiple units or trenches will be utilized, provide the number of units or trenches. |
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|  |

# Facility Closure Requirements

In accordance with 30 TAC §330.21, owner or operator must perform closure activities as soon as the facility ceases to accept waste or capacity is reached within a trench or unit. The owner or operator will initiate closure activities as specified by 30 TAC Chapter 330 Subchapter K. The owner or operator will have performed the following.

1. With acceptance of this form by the executive director, the facility is authorized for a period not to exceed five years. After five years the facility must resubmit an updated form or must have completed the closure activities that follow.
2. Notify the executive director no later than 60 days prior to initiation of closure activities.
3. Submit a certified copy of an “affidavit to the public” to the executive director by registered mail within ten days after closure in accordance with the requirements of 30 TAC §330.19 of this title (relating to Deed Recordation) and record a certified notation of the deed to the facility property, or on some other instrument that is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that the land has been used as a landfill facility and use of the land is restricted. If the facility has received RACM, the notation must indicate which units received the RACM. The county or municipality shall submit a certified deed to the executive director.

# List of Attachments

[ ]  Core Data Forms (TCEQ-10400) for Permittee and Property Owner (if different) - Forms are available at: <https://www.tceq.texas.gov/permitting/central_registry/guidance.html>.

[ ]  City or County Roadway Map with Site Shown and Labeled

[ ]  Facility Layout Map

[ ]  Property Ownership or Lease Information

[ ]  Rainfall Data (if a demonstration was required)

Please note, the owner or operator of this facility may be required to acquire an air emissions authorization (for assistance contact Air Permits at 512-239-1250) and storm water discharge authorizations (for assistance contact the Storm Water Team at 512-239-4671). This authorization does not address these requirements or any requirements for asbestos surveying and abatement under Title 25, Part 1, Chapter 295, Subchapter C.

**Failure to comply with the requirements of 30 TAC Chapter 330 or any other applicable regulations, statutes, or ordinances may result in the owner or operator having to cease waste operations. The executive director may then require the owner or operator to apply for a permit under 30 TAC §330.7(a) to continue operation.**

# Disposal Site Property Owner Affidavit [30 TAC §330.59(d)(2)]

The following statement must be signed by the owner of the property.

1. I acknowledge that the State of Texas may hold the property owner of record either jointly or separately responsible for the operation, maintenance, and closure of the facility.
2. I acknowledge that the facility owner or operator and the State of Texas shall have access to the property during the active life and post-closure care period, if required, after closure for the purpose of inspection and maintenance.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Signature of Property Owner

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Date

# Applicant’s Statement [30 TAC §305.44(b)]

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” [30 TAC §305.44(b)]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Signature of Applicant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Title

This completed form must be submitted prior to waste acceptance in waste units authorized under Texas Health and Safety Code, Section 361.126. Subsequent forms shall be submitted to update or change any information within 90 days of the effective date of the change. If you have any questions, please contact the TCEQ Municipal Solid Waste Permits Section at (512) 239-2335.

**Please submit an original and one copy of this signed form, all attachments, and one or more TCEQ Core Data Form(s) (TCEQ-10400) to:**

**MSW Permits Section, MC 124
TCEQ
P.O. Box 13087
Austin, TX 78711-3087**

**Also, send one copy of all the documents to your local TCEQ regional office (**<https://www.tceq.texas.gov/agency/directory/region> **provides regional office locations and addresses).**

[ ]  Yes [ ] No Has a copy of this application and all attachments been sent to the appropriate TCEQ regional office?