

To the Mayor and Members of the City Council**March 5, 2024**

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**SUBJECT: SITING OF MUNICIPAL SOLID WASTE FACILITIES**

The purpose of this Informal Report is to provide information on the siting of Municipal Solid Waste Facilities (MSWFs) such as landfills.

Background

All communities work to ensure that waste streams are managed successfully and that there are disposal options for municipal solid waste generated by residents, commercial businesses, and industrial facilities. Approximately 11 to 14 years remain before the City's Southeast Municipal Solid Waste Landfill is expected to reach its capacity. Long-range planning for waste disposal options to allow the City to meet long-term solid waste management needs at reasonable rates must be identified. As Fort Worth and the North Texas region considers future options, a diverse network of types of MSWFs may be considered.

Types of Municipal Solid Waste Facilities

To ensure that a MSWF is properly designed, constructed, and operated, the Texas Commission on Environmental Quality (TCEQ) requires certain types of facilities to obtain a registration or permit, including those listed below:

- Type I: a landfill that may accept all types of municipal solid waste, special waste, and some nonhazardous industrial waste. The Southeast Landfill is a Type I MSWF.
- Type IV: a landfill that may only accept brush, construction/demolition waste, and rubbish. Putrescible wastes are not allowed to be disposed of in a Type IV landfill.
- Type V: a solid waste processing facility - including those that transfer, incinerate, shred, grind, bale, salvage, separate, dewater, reclaim, and/or provide other storage or processing of solid waste.
 - A transfer station is a processing facility used for transferring solid waste from collection vehicles to long-haul vehicles for transport to a landfill. A long-haul vehicle is more fuel efficient and can carry the load of five (5) collection vehicles.
 - MSWF Type V go through a similar permitting process as landfills.

Federal and State Requirements for Municipal Solid Waste Landfills

The TCEQ is the lead state agency for regulating and permitting MSWFs; facilities are required to follow a number of minimum design and operational requirements, as promulgated in Title 30 Texas Administrative Code Chapter 330. The U.S. Environmental Protection Agency (EPA) establishes the minimum national standards for MSWFs pursuant to the Resource Conservation and Recovery Act (RCRA). Standards include: location restrictions, operating criteria, design criteria, groundwater monitoring and correction action, closure and post-closure, and financial assurance.

Locating Type I and Type V Municipal Solid Waste Facilities

Proposed sites must also satisfy regulatory location restrictions for airport safety, floodplains, wetlands, fault areas, seismic impact zones, and unstable areas. Stakeholders that must be included in the site selection process are municipal and county officials, regional planning

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agencies such as the North Central Texas Council of Governments, Texas Regional Water District, additional city departments, neighborhood associations and others.

The TCEQ MSWF Permitting

Applying for a TCEQ MSWF permit is a complex technical and legal process requiring information on the applicant, site geology, site development and operating plans. The process of preparing and submitting an application can be expected to take at least one year.

After the TCEQ receives a permit application, it undergoes an administrative review to determine whether or not the applicant has provided all the necessary information. Once the application is determined to be administratively complete, TCEQ will issue a public notice which describes the location and nature of the proposed activities, how to obtain additional information, and where the completed application can be viewed. The notice also provides instructions for being included on mailing distribution lists, submitting comments, and requesting public meetings.

In addition to administrative review, a permit application undergoes a technical review to ensure it complies with both state and federal regulatory requirements. TCEQ will issue a preliminary decision on the permit; this decision is published in the newspaper and distributed through the mailing distribution list. This process affords an additional opportunity for interested parties to submit comments or to request a public meeting.

Public Participation in Environmental Permitting

If there is significant interest in an application or if a state legislator makes a request, the TCEQ will hold a public meeting for the purpose of allowing the public to learn about applications, to ask questions of both the applicant and TCEQ, and to offer formal comments. Once the TCEQ makes the decision to issue a permit, there are still three possible ways to contest the decisions: by requesting a contested case hearing, filing a request for reconsideration, or filing a motion to overturn the decision.

After the Southeast Landfill completes its useful life, it is expected that the City's municipal solid waste and waste streams from across the region will be transported to future, permitted disposal sites throughout the region. The City and the region may also need to employ transfer stations in the future to serve neighborhoods that are most distant from landfill facilities.

For questions regarding this information, please contact Cody Whittenburg, Interim Environmental Services Director, at 817-392-5455.

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City Manager