

Facility Name:  
Permittee/Registrant Name:  
MSW Authorization #:  
Initial Submittal Date:  
Revision Date:



## Texas Commission on Environmental Quality

### Type IX Landfill Gas to Energy Facility Registration by Rule Application Form

Project/Facility's Name	
Registration No.	
Site Operator (Registrant) Name	
Operator's Name	
City	
County	
Application Date	
Revision Date	
Revision Number	
P.E. Signature & Seal	
Texas Registered Engineering Firm Number	

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Facility Name:  
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# Texas Commission on Environmental Quality

## Type IX Landfill Gas to Energy Facility Registration by Rule Application Form

### 1. General Facility Information

**Type IX Facility Name:**

MSW Authorization No. (if available):

Regulated Entity Reference No. (if issued)<sup>1</sup>: RN

Physical or Street Address (if available):

City: County: State: Zip Code:

(Area Code) Telephone Number:

Latitude: Longitude:

Benchmark Elevation (above mean sea level): ft.

Provide a description of the location of the facility with respect to known or easily identifiable landmarks:

Detail access routes from the nearest United States or state highway to the facility:

**Landfill Name:**

MSW Permit No.:

Regulated Entity Reference No. (if issued)<sup>1</sup>: RN

Physical or Street Address (if available):

City: County: State: Zip Code:

(Area Code) Telephone Number:

**Site Operator (Registrant) Name:**

Customer Reference Number (if issued): CN

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address:

TX SOS Filing Number:

Facility Name:  
MSW Authorization #:

Initial Submittal Date:  
Revision Date:

**Operator Name<sup>2</sup>:**

Customer Reference Number (if issued).:

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address:

TX SOS Filing Number:

**Consultant Name (if applicable):**

Texas Board of Professional Engineers Firm Registration Number.:

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address:

**Agent in Service Name (if applicable):**

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address:

<sup>1</sup>If this number has not been issued for the facility, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Facility as the Regulated Entity.

<sup>2</sup>If the Operator does not have this number, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Operator as the customer.

**2. Application Fees**

☐ Pay by Check ☐ Online Payment

If paid online, e-Pay Confirmation Number:

**3. Facility Supervisor's License**

Select the Type of License that the Solid Waste Facility Supervisor, as defined in 30 TAC Chapter 30, Occupational Licenses and Registrations, will obtain prior to commencing facility operations.

☐ Class A ☐ Class B

Facility Name:  
MSW Authorization #:

Initial Submittal Date:  
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#### 4. Ownership Status of the Facility

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Corporation         | <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Federal Government |
| <input type="checkbox"/> Individual          | <input type="checkbox"/> City Government     | <input type="checkbox"/> Other Government   |
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> County Government   | <input type="checkbox"/> Military           |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> State Government    | <input type="checkbox"/> Other (Specify):   |

Does the Site Operator (Registrant) own all the facility units and all the facility property?

☐ Yes ☐ No

If "No", provide the information requested below for any additional ownership.

**Owner Name:**

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address:

#### 5. Local Government Jurisdiction

Within the City Limits of:

Within the Extraterritorial Jurisdiction (ETJ) of City of:

Is the facility located in an area in which the governing body of the municipality or county has prohibited landfill gas collection for beneficial use?

☐ Yes ☐ No

If "Yes", provide a copy of the ordinance or order as an Attachment.

#### 6. Confidential Documents

Does the application contain confidential documents?

☐ Yes ☐ No

If "Yes", cross-reference the confidential documents throughout the application and submit as a separate attachment in a binder clearly marked "CONFIDENTIAL."

Facility Name:  
MSW Authorization #:

Initial Submittal Date:  
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7. Compliance with Additional Regulations		
Answer the following	Yes	No
Does the Site Operator (Registrant) have all required air authorizations for the facility as required by 30 TAC §330.5(a)(7) and §330.9(j)(2)	<input type="checkbox"/>	<input type="checkbox"/>
Does the Site Operator (Registrant) agree to comply with the regulations in 30 TAC Chapter 330, Subchapter E.?	<input type="checkbox"/>	<input type="checkbox"/>
Does the Site Operator (Registrant) agree to comply the Closure Requirements for Municipal Solid Waste Processing Units contained in 30 TAC Chapter 330 §330.459?	<input type="checkbox"/>	<input type="checkbox"/>
Does the Site Operator (Registrant) agree to comply with the requirements for Certification of Final Facility Closure contained in 30 TAC Chapter 330 §330.461?	<input type="checkbox"/>	<input type="checkbox"/>
Does the Site Operator (Registrant) agree to comply with the requirements for Closure Cost Estimates for Storage and Processing Units contained in 30 TAC Chapter 330 §330.505?	<input type="checkbox"/>	<input type="checkbox"/>

Facility Name:  
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## Signature Page

I, \_\_\_\_\_,  
(Site Operator (Permittee/Registrant)'s Authorized Signatory) (Title)

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.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

-----  
TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, \_\_\_\_\_, hereby designate \_\_\_\_\_  
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

\_\_\_\_\_  
Printed or Typed Name of Operator or Principal Executive Officer

\_\_\_\_\_  
Signature

-----  
SUBSCRIBED AND SWORN to before me by the said \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for

\_\_\_\_\_ County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)

# Instructions

## Type IX Landfill Gas to Energy Registration by Rule Form

### Form Applicability

This form is required and is only to be used for a facility that recovers landfill gas for beneficial use that is located within or adjacent to a closed disposal facility, an inactive portion of a disposal facility, or an active disposal facility. Registration by rule requirements for facilities that recover landfill gas for beneficial use are prescribed in Title 30 Texas Administrative Code (30 TAC) Chapter 330.9(k) of this title (relating to Registration Required). Owners or operators of other Type IX facilities, as defined in 30 TAC Chapter 330.5(a)(7), shall follow the registration application requirements prescribed in 30 TAC Chapter 330, Subchapter B.

### Form Availability

This form, as well as other Municipal Solid Waste (MSW) documents and rules are available on the TCEQ Internet site at [http://www.tceq.texas.gov/search\\_forms.html](http://www.tceq.texas.gov/search_forms.html). The number for this form is 20651. For further instructions regarding completion of this form please send an e mail to [mswper@tceq.texas.gov](mailto:mswper@tceq.texas.gov) or call 512-239-2335.

### Application Submittal

Fill out all sections and provide all applicable attachments. This form, along with any attachments must be submitted in duplicate, with one copy going directly to the appropriate TCEQ regional office. This form, including all attachments, must be submitted at least 60 days prior to commencing operations.

The application form and all attachments should be submitted to:

Municipal Solid Waste Permits Section, MC 124  
Waste Permits Division  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

For all notice of deficiency responses (NODs), (administrative and/or technical), submit a new copy of the completed form, including any revised attachments, that addresses all NOD comments.

## 1. General Facility Information

### Type IX Facility Name

Provide the Type IX facility information as requested in this Section. Facility name provided in this Section should match the Regulated Entity Name (Item #23) in the TCEQ Core Data Form.

If the Regulated Entity Reference Number has not been issued for the facility, complete a TCEQ Core Data Form and submit it with this application.

### Landfill Name

Provide the requested information regarding the landfill from which the Type IX facility will be recovering landfill gas for beneficial use.



**Site Operator (Registrant) Name**

Enter Site Operator (Registrant) information as requested in the form. Site Operator is defined in 30 TAC §330.3.

If the Site Operator (Registrant) has filed with the Secretary of State (SOS) as a Corporation, Limited Partnership or non-profit organization it will have been issued a SOS filing number which may be entered here. If the Site Operator (Registrant) has not filed with SOS, leave blank. Search for the SOS Filing number at:

<http://www.sos.state.tx.us/corp/sosda/index.shtml>.

**Operator Name**

Enter Operator information as requested in the form. Operator is defined in 30 TAC §330.3.

If the Operator has filed with the Secretary of State (SOS) as a Corporation, Limited Partnership or non-profit organization it will have been issued a SOS filing number which may be entered here. If the Operator has not filed with SOS, leave blank.

Search for the SOS Filing number at:

<http://www.sos.state.tx.us/corp/sosda/index.shtml>.

**Consultant Name**

Enter the consultant company's name and contact information responsible for the preparation of the application on behalf of the facility.

**Agent in Service Name**

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas Secretary of State's office and provide a complete mailing list for the agent. The agent must be a Texas resident and the address provided for them should be within the State of Texas. Provide information if this is applicable for the facility. If not, enter "Not Applicable".

**2. Application Fees**

The application fee is \$150. Select **ONE** box that indicates the method of payment of application fee for the submittal.

Payment may be made online using TCEQ ePay at <https://www3.tceq.texas.gov/epay/>. If payment is made online, enter the E-pay confirmation number.

If fee is paid by check, send payment directly to the following address and include a photocopy of the check in the original application submitted to the MSW Permits Section.

Financial Administration Division, MC 214  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

**3. Facility Supervisor's License**

30 TAC Chapter 30, Occupational Licenses and Registrations (Figure 30 TAC §30.213(a)), requires that supervisors of a Type IX Landfill Gas to Energy Facility have, at a minimum, a Class B License. Select the Type of License for the Solid Waste Facility Supervisor will obtain before commencing facility operations.

**4. Ownership Status of the Facility**

Corporation: The Customer meets all of the following:

- Is legally incorporated under the laws of any state or country
- Is recognized as a corporation by the Texas Secretary of State
- Has proper operating authority to operate in Texas

**Sole Proprietorship:** This is a business that is owned by only one person and has not been incorporated. This business may:

- Be under the person's name
- Have its own name ("doing business as, or DBA)
- Have any number of employees
- Customers must register assumed names with the county

**Government – City, County, State or Federal:** This is either an agency of one of these levels of government or the governmental body itself (ex. Blanco County, City of Houston)

**General Partnership:** A general partnership is created when two or more persons associate to carry on a business for profit. A partnership generally operates in accordance with a partnership agreement, but there is no requirement that the agreement be in writing and no state-filing requirement.

**Limited Partnership (LP & LLP):** This is a partnership formed by two or more persons, having one or more general partners and one or more limited partners. The limited partnership operates in accordance with a partnership agreement, written or oral, of the partners as to the affairs of the limited partnership and the conduct of its business. While the partnership agreement is not filed for public record, the limited partnership must file a certificate of limited partnership with the Texas Secretary of State (SOS). The Secretary of State provides a form for the certificate of limited partnership which meets minimum state law requirements.

**Government – Other:** This is a utility district, water district, tribal government, college district, council of governments or river authority (ex. Lower Colorado River Authority).

**Other:** Fits none of the above descriptions.

## **5. Local Government Jurisdiction**

Enter the name of the City where the facility is located within that City or within its extraterritorial jurisdiction. If the facility is located in an area in which the governing body of the municipality or county has prohibited the construction and/or operation of landfill gas to energy facilities, provide a copy of the ordinance and add it to the Additional Attachments list with the Attachment number provided.

## **6. Confidential Documents**

The Commission has a responsibility to provide a copy of each application to other agencies and to interested persons upon request and to safeguard confidential material from becoming public knowledge. Thus, the Commission requests that the applicant (1) be prudent in the designation of material as confidential and (2) submit such material only when it might be essential to the staff in their development of a recommendation.

The Commission suggests that the applicant NOT submit confidential information as part of the permit or registration application. However, if this cannot be avoided, the confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL" on all pages.

Reasons of confidentiality include the concept of trade secrecy and other related legal concepts which give a business the right to preserve confidentiality of business information to obtain or retain advantages from its right in the information. This includes authorizations under, 18 U.S.C. 1905 and special rules cited in 40 CFR Chapter I, Part 2, Subpart B.

The applicant may elect to withdraw any confidential material submitted with the application. However, the permit cannot be issued, amended, or modified if the application is incomplete.

#### **7. Compliance with Additional Regulations**

Please indicate that the Site Operator (Registrant) has acquired all authorizations regarding air emissions. The Site Operator must submit all information necessary to complete the air quality review as prescribed by the commission and be approved by the executive director prior to the Type IX registration by rule becoming effective.

The Site Operator must indicate that the facility will be in compliance with the requirements of 30 TAC Chapter 330 Subchapter E and 30 TAC §330.459, §330.461, and §330.505 at the time the facility becomes operational. The information demonstrating compliance with the provisions contained in these rules does not need to be submitted to the TCEQ but does need to be present on site at the time the facility becomes operational.

## **Instructions - ATTACHMENTS**

### **Facility Legal Description**

#### **Facility Metes and Bounds Description**

A boundary metes and bounds description of the facility signed and sealed by a registered professional land surveyor.

#### **Metes and Bounds Drawings**

A drawing of the boundary metes and bounds description signed and sealed by a registered professional land surveyor.

#### **On-Site Easements Drawing**

Submit a drawing showing any on-site easements at the facility.

#### **Property Owner Affidavit**

Provide a Property Owner Affidavit by using the appropriate format provided below.

#### **Signatory Name**

The name of the individual signing the affidavit. If the individual signing the affidavit is the property owner of record, enter the name on "Printed Signatory Name" line only and omit the "Signatory Capacity" and "Printed Name of Property Owner of Record" lines. Otherwise, provide all information requested below.

#### **Signatory Capacity**

Indicate under what authority the Signatory is signing on behalf of the property owner of record.

#### **Property Owner Of Record**

The person(s) who, according to public records, is/are the owner(s) of a particular property.

I/We, \_\_\_\_\_, as \_\_\_\_\_,  
 (Printed Signatory Name) (Signatory Capacity)

As authorized signatory for \_\_\_\_\_,  
 (Printed Name of Property Owner of Record)

Acknowledge that the State of Texas may hold the property owner of record either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the facility. For a facility where waste will remain after closure, I/we acknowledge that I/we have a responsibility to file with the county deed records an affidavit to the public advising that the land will be used for a solid waste facility prior to the time that the facility actually begins operating as a municipal solid waste landfill facility, and to file a final recording upon completion of disposal operations and closure of the landfill units in accordance with Title 30 Texas Administrative Code §330.19, Deed Recordation. I/We further acknowledge that the facility owner or the 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."

\_\_\_\_\_  
 (Property Owner's Signature) (Date)

#### Verification of Legal Status (30 TAC §281.5 and §330.59(e))

Please provide verification of legal status. **Normally**, this is a one-page certificate of incorporation (Certificate of Fact) issued by the secretary of state (see additional Attachments List). If you choose to provide a verification of the legal status by another mechanism, please provide it under this Attachment. Also, provide a list of all persons having over a 20% ownership in the proposed facility. See example table provided below:

List of All Persons Having Over 20% Ownership in the Facility:

Name	Title	Contact Information

#### Evidence of Competency

At a minimum, provide the information listed below to comply with 30 TAC §330.59(f) as applicable to the facility type for which this application is submitted:

List of all Texas solid waste sites that the Site Operator has owned or operated within the last ten years.

Site Name	Site Type	Permit/Reg. No.	County	Dates of Operation

List of all solid waste sites in all states, territories, or countries in which the Site Operator has a direct financial interest.

Site Name	Location	Dates of Operation	Regulatory Agency (Name & Address)

Names of the principals and supervisors of the Site Operator's organization, together with previous affiliations with other organizations engaged in solid waste activities.

Name	Previous Affiliation	Other Organization

### General Location Map

Submit a map that shows the general location of the facility and that landfill where the facility is located. The map must be of material suitable for a permanent record, and shall be on sheets 8-1/2 inches by 14 inches or folded to that size, and shall be on a scale of not less than one inch equals one mile. The map shall depict the approximate boundaries of the facility and shall extend far enough beyond the facility to allow identification of the facility's location with respect to known or easily identifiable landmarks.

### Site Layout Plan

Submit a large-scale plan drawing(s) of the facility. The plan must be readable, reproducible on photo-copying machines, include a legend, a bar scale at least one inch long, a dated title block, revision block, responsible engineer's seal, and a north arrow. The following information must be included on the site layout plan:

- Facility boundaries
  - Boundary of Type IX Facility
  - Boundary of permitted landfill from which the gas will be recovered
- Limits of waste placement
- Facility Structures
- Gas treatment equipment
- Gas compression equipment
- Electrical power generation equipment
- Any other beneficial gas-use equipment
- All required easements

**Closure Cost Estimate and Financial Assurance**

Provide a cost estimate for closure of the facility following the requirements of 30 TAC §330.505. The closure cost estimate should be signed and sealed by registered professional engineer. Provide a description of the financial assurance mechanism to cover the cost estimate for closure of the facility in accordance with 30 TAC Chapter 37 Subchapter R.

**Fire and Explosion Control and Protection**

Describe the sources of fire protection in enclosed structures at the facility. Sources of fire protection may include, but are not limited to, a local fire department, fire hydrants, fire extinguisher, water tanks, and water wells. Include a description of the type and location of protection equipment. Provide procedures for employee fire protection training and safety, and procedures for the use of fire protection equipment.

Provide a description of how enclosed structures at the facility will have continuous 24 hour methane monitoring.

Provide a description and the location of all explosion proof fixtures in enclosed structures at the facility. The description may include, but is not limited to manufactures information and brochures.

**Process Unit Description**

Describe the proposed method for condensate disposal, including during the active and post-closer care periods of the landfill.

Provide an estimation of the design daily gas production and an estimation of average daily gas production at the facility.

Provide a description of all equipment that is necessary for the processing of the landfill gas, and generation of electricity. The description should include the type, number, size, capacity, and function of all equipment. Provide a flow chart depicting the process sequence from gas collection, to electricity generation,

**Additional Attachments As Applicable****TCEQ Core Data Form(s)**

If the Site Operator (Registrant) does not have a Customer Reference Number (CN Number), complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Site Operator (Permittee/Registrant) as the customer.

If Regulated Entity Reference Number (RN Number) has not been issued for the facility, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Facility as the Regulated Entity.

If the Operator does not have a Customer Reference Number (CN Number), complete another TCEQ Core Data Form (TCEQ-10400) for the "Operator" and submit it with this application. List the Operator as the customer.

If the Property Owner does not have a Customer Reference Number (CN Number), complete another TCEQ Core Data Form (TCEQ-10400) for the "Property Owner" and submit it with this application. List the "Property Owner" as the customer.

Only under the following circumstances should a TCEQ Core Data Form be submitted:

- Your Core data information is not yet in the Central Registry database or is incomplete
- Your information has changed from what is currently in the Central Registry database
- It is requested by the agency. You can check the status of your data in Central Registry on-line at <https://www15.tceq.texas.gov/crpub/>.

**Signatory Authority Delegation**

Provide documentation that the person signing the application meets the requirements of 30 TAC §305.44, Signatories to Applications. If the authority has been delegated, provide a copy of the document issued by the governing body of the Site Operator (Registrant) or Operator authorizing the person that signed the application to act as agent for the owner or operator.

**Fee Payment Receipt**

As indicated in the form "Application Fees" section, if fee is paid by check, send payment of directly to the following address and include a photocopy of the check in the initial application submitted to:

MSW Permits Section.  
Texas Commission on Environmental Quality  
Financial Administration Division, MC 214  
P. O. Box 13087  
Austin, Texas 78711-3087

**Confidential Documents**

The confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and clearly marked "CONFIDENTIAL." Refer to Instructions, Section "Confidential Documents" for further detail.

**Waste Storage, Processing and Disposal Ordinances**

If the facility is located in an area in which the governing body of the municipality or county has prohibited the disposal or processing of municipal or industrial solid waste, provide a copy of the ordinance.

**Certificate of Fact (Certificate of Incorporation)**

The Site Operator (Registrant) or Operator shall provide verification of their legal status. If you choose to provide a one-page certificate of incorporation (Certificate of Fact) issued by the secretary of state, provide it as an Attachment here.

**Assumed Name Certificate**

If the Site Operator (Registrant) or Operator is an individual and/or partnership doing business under an assumed name, it must attach to the application an assumed name certificate.