

April 11, 2012

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

**Reference:**      **Response to First Technical Notice of Deficiency**  
                         **Application for New MSW Registration**  
                         **Nexus Continuum, LLC**  
                         **Type V Material Recovery and Transfer Station**  
                         **Harris County, Houston, Texas**  
                         **Application No. 40260**  
                         **Tracking Nos. 15035373, 15058216, 15098596; RN104419460/CN603985979**

Dear Mr. Schaefer:

On behalf of Nexus Continuum, LLC (Nexus), HDR is submitting an original, three unmarked copies, and three marked copies of application revisions to the referenced application. This submittal is in response to the First Technical Notice of Deficiency letter from TCEQ dated February 17, 2012 requesting additional information. This response letter provides the additional information requested, and the attached forms, text and figures have been revised as appropriate. For ease of review, TCEQ questions are reproduced below in *italics* with the associated response non-italicized:

**General**

1.      *On Page 7 of the Part I Form the application indicates the ownership status of the facility as "Private" but it appears that Nexus Continuum, LLC is a Limited Liability Corporation. Please revise the form as necessary.*

Nexus is a privately owned limited liability company, consisting of two members identified below. It is not publicly traded.

2.      *As per 30 TAC Section (§) 330.57(g), all title pages shall show the facility location by city. Please revise the application to satisfy this requirement.*

Title pages have been updated to show facility location by city.

3.      *As per 30 TAC §330.57(i)(1), the owner or operator shall provide a complete copy of any application, including all revisions and supplements to the application, on a publicly accessible internet Web site. We are unable to locate revisions to the application on the internet Web site where the application is provided. Please comply with this rule requirement.*

The revisions to the application that were submitted in December 2011 in response to the Preliminary (Administrative) Review have been posted on the publicly accessible internet

site (<http://www.nexusdisposal.com/nc.html>). Future revisions will also be posted as required.

#### Part I

1. *In Figure 1 General Location Map, the source for the map is listed as a 1996 TxDOT Urban File. Please confirm that 1996 is the most current map data available from TxDOT. If a more current version is available, please use it as the source for this figure.*

The Figure 1 General Location Map has been updated with the latest TxDOT Urban File available which is from 2002.

2. *In Figures 4, 5, and 6, the indicated scale of 1" = 60' is not accurate as the included image has been reduced. Please revise the figures to show accurate scale(s).*

Figures 4, 5, and 6 have been updated to provide an accurate scale for the figures.

3. *It appears that the requirement of 30 TAC Section (§) 330.59(e) to list all persons having a 20% ownership in the proposed facility has not been met. Please satisfy this rule requirement or provide a statement explaining why it is not applicable.*

Part I, Section 5.0 has been revised to state that the Nexus Continuum, LLC is a Texas Limited Liability Company which is owned 80% by Efrain Gonzalez, Sr. and 20% by Efrain Gonzalez, Jr.

#### Part II

1. *As per 30 TAC §330.61(b)(1), municipal solid waste facilities may not receive regulated hazardous waste. The section of the application addressing 30 TAC §330.61(b)(1) does not appear to include this rule requirement. Please revise the application as necessary.*

Part II, Section 2.1 has been revised to state that the facility will not accept regulated hazardous waste.

2. *As per 30 TAC §330.61(c)(10) and §330.61(g), drainage, pipeline, and utility easements within or adjacent to the facility shall be shown. We were unable to locate this information or a statement that none exist. Please revise the application as necessary. Please also address the requirements under Subchapter M (relating to Location Restrictions), to provide information on location restriction items that apply to the proposed facility.*

A statement regarding drainage, pipeline and utility easements was provided in Part II, Section 4.0. This section of the text has been expanded to address the requirements of 30 TAC 330 Subchapter M (Location Restrictions).

3. *As per 30 TAC §330.61(d)(8) and §330.61(g), all site entrance roads from public access roads shall be shown. In Part III on page 2, it is stated that "Access for administrative staff (office) will be available on the east-side of the facility from Thomas Road." While an access gate is shown it is unclear if a roadway exists through this entrance. In addition, there does not appear to be a parking area other than the residential driveway for the adjacent house. Please clarify how the gate will be used (e.g. foot traffic) and revise the application as necessary to show an entrance road from Thomas Road, and all other related features that may exist, if applicable.*

Part II, Figure 2 (as well as all related drawings) has been revised to show vehicle access from Thomas Road through the locking gate as shown on the drawings. This will be administrative access, including personal and company vehicles, but excluding waste

delivery. Note that this property is owned by Nexus' majority owner and the former residential structure is planned to be Nexus administrative offices in the future.

4. *On Page 7, a variance to the 50 mile distance limitation specified in 30 TAC §330.9(f)(2) is requested. Please revise the application to explain that MSW will be disposed of at any authorized landfill within 50 miles including Hawthorne Park Landfill, Atascocita Landfill, etc. Also, please provide further explanation concerning the attributes that make the Altair Landfill a viable alternative as the items provided are too vague to justify the variance.*

A detailed response to this comment is provided in Attachment A to this letter.

5. *In Attachment A TxDOT Coordination, a letter from HDR, Inc. to TxDOT has been provided. We were unable to locate a response letter from TxDOT. As per 30 TAC §330.61(i)(4), the owner or operator shall submit documentation of coordination with the Texas Department of Transportation. Please include a response from TxDOT. We also note that coordination is required under 30 TAC §330.235 concerning cleanup of public access roads and rights-of-way (see Part IV).*

Part II, Attachment A – TxDOT Coordination has been amended to include the response letter from TxDOT dated November 8, 2011.

6. *As per 30 TAC §330.61(o), the owner or operator shall submit a review letter from the Texas Historical Commission documenting compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code. This rule requirement does not appear to have been met. Please revise the application.*

A coordination letter has been sent to the Texas Historical Commission requesting documentation of compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code. Part II, Attachment D has been updated to include a copy of this letter.

### Part III

1. *It is stated in the application that "Roll-offs, transfer trailers, and other containers will be covered when they contain waste or recyclable materials." As per 30 TAC §330.63(b)(2)(D), performance data on all units shall be provided. Please provide details and the performance data on the covers for the containers.*

Performance data for the covers for the containers has been added to the text throughout the application.

2. *As per 30 TAC §330.63(b)(1), please describe how access will be controlled at the rear gate on the east-side of the facility as this does not appear to be discussed in the Site Development Plan.*

Part III, Section 2.1 and Part IV, Section 13.0 have been updated to describe access control at the rear gate on the eastern boundary of the facility.

3. *It is stated on Page 5 that the building will be a commercially produced metal building of the type sometimes referred to as "pre-engineered". In addition, it is stated that the transfer building will have three sides with various doors and windows that will remain open during operations as needed. As per 30 TAC §330.63(b)(2)(C), proposed ventilation and odor control measures for each storage, separation, processing, and disposal unit shall be provided. Please provide details on the design of the transfer building ventilation and odor control features.*

Text has been updated throughout the application to state that extremely odorous, liquid, sludge, grit trap, and putrescible wastes will not be accepted at the facility. Therefore, no special design criteria or enclosed processing buildings are required. In addition, Part III,

Section 2.2 and Part IV, Section 23.0 have been updated to include additional ventilation, odor control and buffer zone details.

4. *According to 30 TAC §330.63(b)(2)(D), generalized construction details of all storage and processing units and ancillary equipment (i.e., tanks, foundations, sumps, etc.) with regard to approximate dimensions and capacities, construction materials, vents, covers, enclosures, protective coatings of surfaces, etc. Performance data on all units shall be provided. Please identify applicable ancillary equipment and provide the necessary performance information for each piece of equipment.*

Performance data for equipment (specifically container covers) has been added throughout the application text. Part III, Figure 6 has been updated to add additional information and an additional typical detail drawing for a contaminated water sump/manhole. Capacity information for the contaminated water system has been added to Part III, Section 4.0

5. *As per 30 TAC §330.63(d)(1)(A), the owner or operator shall specify that all solid waste capable of creating public health hazards or nuisances be stored indoors only and processed or transferred promptly and shall not be allowed to result in nuisances or public health hazards. It does not appear that the application includes this requirement. Please revise the application where necessary to comply with the rule requirement.*

Part II, Section 2.1 has been updated to state that the facility will not accept putrescible waste that might require indoor storage and Nexus does not propose to recover any materials from a waste stream that contains putrescibles. In addition, the application text describes in many places that waste will be processed and transferred quickly and that all waste stored onsite will be in covered containers.

6. *As per 30 TAC §330.63(d)(1)(A), for a facility in continuous operation, such as for resource or energy recovery, the owner or operator shall provide design features for wastes storage units that will prevent the creation of nuisances or public health hazards due to odors, fly breeding, or harborage of other vectors. The application requests 24 hours a day, 7 days a week, operating hours thus the facility could operate continuously. Please comply with this rule requirement by providing design features for wastes storage units that will prevent the creation of nuisances or public health hazards due to odors, fly breeding, or harborage of other vectors. It is stated that the storage units will be covered but no details on the method of covering appears to have been provided. Please also provide performance data on the covering materials.*

Performance data for the covers for the containers has been added to the text throughout the application.

7. *In Figure 6, a cross section depicts truck scales, trench drains, pumps, a tipping floor, and berms but these items do not appear to be shown on the site plans. Please indicate the location of these items on the site layout plans.*

The cross-section located on Part III, Figure 6 has been renamed Section K-K and has been referenced by a cross-section cut in Part III, Figure 3.

8. *In Attachment A, the provided analysis is sealed and signed by Mr. Pierce L. Chandler, Jr., PE but no firm registration number has been provided. Please be advised that the Texas Board of Professional Engineers (TBPE) adopted rule revisions that require all licensees to include the name and registration number of the registered engineering firm for which they are doing the work, on sealed documents, in accordance with 22 TAC Section (§)137.33(n). Please revise the application, as necessary, throughout.*

The documents in Part III, Attachment A have been updated to include the Texas engineering firm registration number.

9. *The provided figure, Drainage Area Map, in Attachment A, does not appear to have a page number or a figure number as per 30 TAC §330.57(h)(4)(E). Please revise the application, as necessary, to comply with the rule.*

The Drainage Area Map in Part III, Attachment A has been updated with a figure number.

#### Part IV

1. *Please provide the maximum and average waste processing times according to 30 TAC §330.203(b) as they do not appear to be included in the application.*

Waste processing can include unloading, processing (sorting) and loading into trailers for transport or storage. Part III, Section 2.2 discusses the maximum amount of time anticipated for unloading is 9 minutes for an average 40 CY roll-off or collection vehicle (267 CY/hr), which means that the facility will have the ability to unload and process the proposed Registration maximum of 5,000 CY/d (average 267 CY/hr x 20 hours = 5,340 CY/d – greater than 5,000 CY/d). This Section has also been updated to discuss an average unloading and processing time. Part II, Section 2.3 and Part IV, Section 6.0 describes loading of the material – these sections have been updated to reflect maximum and average loading rates and times.

2. *We are unable to locate the storage area for recyclable materials at the facility. As per 30 TAC §330.209(b), an on-site storage area for source-separated or recyclable materials should be provided that is separate from a transfer station or process area. Please indicate the location of these items where necessary.*

Part II, Figure 2 (as well as all related drawings) has been revised to show that recyclable materials will be stored and managed on-site in covered containers, separate from the transfer station and process area.

3. *As per 30 TAC §330.219(a), a copy of the permit or registration, the approved permit or registration application, and any other required plan or other related document shall be maintained at the municipal solid waste facility at all times during construction. After completion of construction, an as-built set of construction plans and specifications shall be maintained at the facility or at an alternative location approved by the executive director. These plans shall be made available for inspection by agency representatives or other interested parties. It appears that the application does not state that the plans shall be available for inspection by other interested parties. Please revise the application where necessary to comply with the rules.*

Part IV, Section 11.0 has been updated to state that plans shall be maintained at the facility and available for inspection by interested parties.

4. *As per 30 TAC §330.223(b), vehicle parking must be provided for equipment, employees, and visitors. We are unable to locate areas designated for employee and visitor parking. Please revise the application to indicate where these parking areas are located.*

Part II, Figure 2 (as well as all related drawings) has been revised to show an employee and visitor parking area near the east (Thomas Road) administrative access gate. As stated previously, this is property owned by Nexus' majority owner that will be used for administrative purposes.

5. *As per 30 TAC §330.227, the design shall be sufficient to control and contain a worst case spill or release. Please estimate a worst case spill for the facility and ensure containment areas will be sufficient to handle the worst case scenario.*

Part IV, Section 15.0 has been updated to describe the worst case spill or release and describe the containment area capacity that will be sufficient to handle the worst case scenario.

6. *It is stated that the facility will collect spilled materials for a distance from the site entrance for 2.0 miles along Cunningham Road on days the transfer station accepts waste. Please note, 30 TAC §330.235 states on days when the facility is in operation, the owner or operator shall be responsible for at least once per day cleanup of waste materials spilled along and within the right-of-way of public access roads serving the facility for a distance of two miles in either direction from any entrances used for the delivery of waste to the facility.*

- a. *Please revise the application to state "on days the transfer station is in operation" as per the rule.*
- b. *According to Part I of the application the roads within 1 mile that will be used for access are shown on part II, Figure 4 and include Cunningham Road, Little York, Tanner, and Sam Houston Tollway. The rule states that the owner or operator shall be responsible for at least once per day cleanup of waste materials spilled along and within the right-of-way of public access roads serving the facility. The owner or operator is to perform this task for a distance of two miles in either direction from any entrance used for the delivery of waste to the facility. Please revise the application to thoroughly detail the routes for cleanup of waste materials along and within the right-of-way of public access roads serving the facility for a distance of two miles in either direction from the Cunningham Road waste delivery entrance. We note that the second entrance from the east-side (Thomas Road) that is stated to be for administrative staff. No waste delivery has been proposed through this gate and thus none will be authorized.*

Part IV, Section 19.0 has been updated to discuss spilled material collection on any public access roads serving the facility for a distance of two miles on days when the transfer station is in operation.

7. *It appears that the requirements of 30 TAC §330.241(c) have not been addressed in the application. Please address alternative processing or disposal procedures for the solid waste in the event that the facility becomes inoperable for periods longer than 24 hours.*

Part IV, Section 21.0 has been updated to address alternative disposal procedures in the event that the facility becomes inoperable for periods longer than 24 hours.

8. *It is stated that during times that the facility is in continuous operation, the floor will be swept daily. Working surfaces that have come into contact with waste are stated to be washed down once per week. Please note, as per 30 TAC §330.243(a), processing facilities that operate on a continuous basis shall be swept daily and washed down at least two times per week. Please revise the application to satisfy the rule requirements.*

Part IV, Section 22.0 has been updated to state during times the transfer station operates on a continuous basis it shall be swept daily and washed down at least two times per week.

9. *As per 30 TAC §330.245(c), all liquid waste and solid waste shall be stored in odor-retaining containers and vessels. It appears that this requirement is not included in the application. Please revise the application to satisfy the rule requirements.*

Part IV, Section 23.0 has been updated to describe waste storage in odor-retaining containers.

10. *It is stated that the building will be open on the south-side. The application further states that the three other sides will have various doors and windows that will remain open during operations. In addition, this application proposes the recovery of materials from solid waste that contains putrescibles. According to 30 TAC §330.245(g), process areas that recover material from solid waste that contains putrescibles shall be maintained totally within an enclosed building. Openings to the process area shall be controlled to prevent releases of nuisance odors from leaving the property boundary of the facility. Please revise the application, and proposed structures and operations to comply with these requirements. Please address all associated odor control measures such as those in 30 TAC §330.245(f). Lastly, please include the requirements of 30 TAC §330.245(j) as they appear to not be included in the application. The rule states reporting of emissions events shall be made in accordance with §101.201 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements) and reporting of scheduled maintenance shall be made in accordance with §101.211 of this title (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).*

Text has been updated throughout the application to state that extremely odorous, liquid, sludge, grit trap, and putrescible wastes will not be accepted at the facility and Nexus does not propose to recover any materials from a waste stream that contains putrescibles. Therefore, no special design criteria or enclosed processing buildings are required. In addition, Part III, Section 2.2 and Part IV, Section 23.0 have been updated to provide additional ventilation, odor control and buffer zone details. Part IV, Section 23.0 has also been updated to describe reporting of emissions events as required.

11. *It does not appear that the requirements of 30 TAC §330.543 concerning buffer zones have been addressed in the application. Please revise the application as necessary, throughout.*

Part II, Figure 2 (and all related figures) shows the required buffer zone between solid waste processing and storage facilities and the Registration boundary. Text has been updated throughout the application to reference this design requirement.

12. *It does not appear that the requirements of 30 TAC §330.203(c) have been addressed. As the facility is designed to discharge contaminated water to a treatment facility these rule requirements must be addressed.*

Part IV, Section 7.0 has been updated to address the referenced requirement.

13. *The application states that an on-site storage area for source-separated or recyclable materials will be provided. Further, it is stated that white goods and other recyclable items will be consolidated in an area adjacent to the processing building. We were unable to locate these areas on any of the figures provided in the application. Please revise the application to identify these storage areas, and please note the buffer requirements of 30 TAC §330.543.*

Part II, Figure 2 (as well as all related drawings) has been revised to show that recyclable materials and white goods will be stored on-site in covered containers, separate from the transfer station and process area.

14. *It is stated that equipment used to move waste will be routinely cleaned through the use of high pressure water or steam cleaners. The high pressure water or steam cleaning will remove combustible waste and caked material. Please ensure the cleaning will take place in a location capable of capturing the water as it will be contaminated after coming in contact with waste materials.*

Part IV, Section 15.0 has been updated to state that cleaning will take place in a location capable of capturing the contaminated wash water.

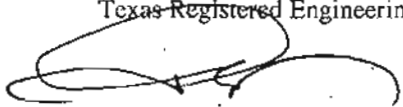
15. *It is stated that existing vegetation at property boundaries will provide visual screening. We are unable to locate this vegetation on a figure of the facility layout. Please revise the application to indicate where this*

*vegetation exists (or will be located) so that we may better evaluate the visual screening components of the facility design.*

Part IV, Section 20 has been updated to state that visual screening will be provided by screening fencing.

This registration application and associated additional information is being submitted under the provisions of Title 30 of the Texas Administrative Code (30 TAC) Chapter 330.9(f). The application revisions attached have been edited and noted with footers as requested by TCEQ. If you have any questions or require additional information, please contact me at 512-498-4716.

Sincerely,  
**HDR Engineering, Inc.**  
Texas Registered Engineering Firm F-754



Joel Miller, P.E.  
Project Manager



cc: Ms. Nicole Bealle, Waste Program Manager, TCEQ Region 12  
Mr. Efrain Gonzalez, Jr.  
Ms. Helen S. Gilbert  
Mr. Charles S. Gregory, III

Attachment A:  
Part II, Question 4 – Detailed Response

*Part II, Question 4*

*On Page 7, a variance to the 50 mile distance limitation specified in 30 TAC §330.9(f)(2) is requested. Please revise the application to explain that MSW will be disposed of at any authorized landfill within 50 miles including Hawthorne Park Landfill, Atascocita Landfill, etc. Also, please provide further explanation concerning the attributes that make the Altair Landfill a viable alternative as the items provided are too vague to justify the variance.*

As Nexus stated in its initial submittal, it requests authorization to dispose of MSW at any authorized landfill within 50 miles of the facility in addition to the Type I Altair Landfill near Columbus, for which it is seeking this variance. Specifically, those Type I and Type IV permitted landfills are:

- Waste Management - Atascocita Landfill
- WCA - Fort Bend Landfill
- Republic - Blue Ridge Landfill
- Republic - McCarty Rd. Landfill
- Whispering Pines Landfill
- Bluebonnet Landfill
- Coastal Plains Landfill
- Waste Management - Hawthorne Park Landfill
- Waste Management - Addicks Fairbanks Landfill
- Waste Management - Hardy Road Landfill
- Waste Management - Cougar Landfill
- Dixie Farm Road Landfill
- Greenbelt Landfill

As described in the initial submittal, at a distance of 56.7 miles from the Nexus facility, the Altair Landfill is only a little over 6 miles further than the 50 mile radius, a *de minimis* difference. Also since this landfill is west of the greater Houston area, it actually presents a better environmental alternative than trips going to the Type I landfills located to the northeast and east of Nexus. For example, even though the Atascocita Landfill is only 27.1 driving miles from Nexus, having to cross eastbound traffic across the City of Houston can take as long as 1 hour, 25 minutes including a significant amount of time idling in traffic on the Sam Houston Tollway. For a non-attainment area like Houston, less idling trucks reduces air pollution. Also some routes to east Houston landfills cross through neighborhoods. Using the Altair landfills located on U.S. I-10 would obviate this need and provide less exposure of risk to human health and safety.

The lack of west-side landfills in the Houston area is well known. However, the Altair Landfill not only has ample remaining landfill capacity and presents the potential for a long-term disposal contract but, with its large remaining capacity, presents an obvious alternative to older east Houston landfills for future hurricane waste disposal. The Altair Landfill provides another reasonable disposal alternative for Nexus because Nexus owns property within 30 miles of the landfill which would facilitate mechanical repairs to its fleet, if the need ever arose.

In her March 3, 2012 email, MSW Permits Section Manager, Ms. Bergren stated that the "50 mile radius distance restriction is statutory [THSC Section 361.111(4)] as well as rule based [30 TAC

§330.9(f)(2)].” Further, that, “MSW Division staff can not grant a variance for a rule provision that is codified in statute and for which there is no express authority in the rules or statute for the executive director to grant such a variance.” Nexus respectfully disagrees. Texas Health and Safety Code section 361.111(a)(4) states:

The commission shall exempt from permit requirements a municipal solid waste management facility that is used in the transfer of municipal solid waste to a solid waste processing or disposal facility from:

(4) a materials recovery facility that recycles for reuse more than 10 percent of its incoming nonsegregated waste stream if the remaining nonrecyclable waste is transferred to a permitted landfill not more than 50 miles from the materials recovery facility.

TEX. HEALTH & SAFETY CODE ANN. §361.111(A).

Section 361.111(a)(4) requires the TCEQ to exempt certain transfer stations which include a recycling component like that proposed by Nexus. This section does not prohibit the Executive Director from granting a variance to the distance requirement. Nor is Nexus aware of any rule which authorizes the Executive Director or the TCEQ to grant a variance only in the event that allowance is explicitly stated and provided within the particular section or subsection of the rule. On the contrary, the TCEQ’s permitting process is replete with examples of the Executive Director either “exercising his enforcement discretion” or granting outright variances to rule provisions under the Executive Director’s broad authority to act on uncontested matters on a variety of issues for which no “express” variance provision exists. *See* Tex. Water Code Ann. §5.122. For example, the Executive Director has granted variances to the 50-mile radius previously in the Houston area, where the landfill distance was actually 52 miles from the transfer station. Also landfills routinely request variances (and variances are granted) to the well spacing requirements for groundwater monitoring wells and soil boring plans. In both instances, there is no explicit provision stating that a variance may be available.

A brief history of section 361.111 shows that the 50-mile radius provision did not appear until 1993 (S.B. 1051). This language did not exist in either the original 1989 legislation (S.B. 1517) nor the 1990 “conforming amendment” (S.B. 43) which merely created an exemption for small communities so long as they followed the substantive (Health) Department rules. As the bill analysis of the 1993 legislation makes clear, the intent of the permit exemption was to allow small cities flexibility to transport waste out of their communities due to the advent of the federal RCRA Subtitle D rules (which resulted in the closure of many municipally owned landfills causing “an increase in the movement of solid waste”). *See* Exhibit A. Indeed the 50-mile radius language is not even discussed in the bill analysis indicating that it was not the major focus of the Legislature. It certainly was not intended as an impediment to the economical, efficient and environmentally beneficial movement of solid waste which is all that Nexus is seeking with this request and its application in general.

## **EXHIBIT A**

**Allowing composting of mixed stream municipal waste.** It is helpful for the composting industry to have TNRCC formulate rules about mixed waste composting. The commission would make sure that the rules were strict enough to protect human health and safety. Current technology assures that anything harmful that might be in mixed waste stream is removed and disposed of separately. Mixed stream composting would help the state compost many materials for beneficial reuse, as well as helping the state reach its state recycling goal.

**Composting fee refunds.** Composting is a beneficial practice, far preferable to landfilling, and should be encouraged wherever possible.

**Office of Waste Exchange.** The office would help the state identify buyers and sellers of recyclable materials and encourage waste minimization. In the long run, the office would pay for itself helping to reduce the solid waste stream.

**Waste transfer facilities.** It is necessary to exempt small waste transfer facilities from solid waste permitting requirements, and allow permitting by rule because federal landfill rules that will soon go into effect will cause an increase in the movement of solid waste. Small cities might not be able to transport waste out of their communities to a landfill if they had to comply with permitting requirements. A small transfer station would not in any way be engaged in the disposal of solid waste.

**OPPONENTS  
SAY:**

CSSB 1051 would diminish the authority of local governments to regulate solid waste. This is unacceptable since cities need the flexibility to deal with the increasingly expensive problem of excess solid waste and the increasing scarcity of usable landfills. CSSB 1051 would, for example, prohibit a city from banning a certain kind of wasteful packaging, styrofoam cups, or imposing a bottle return fee.

The bill would also take away the power of a local government to determine what could go in a landfill that the city actually owned. For example, if a city wanted to prohibit the burning of yard waste at a landfill that it owned, it could not do that under CSSB 1051. This would be an unwarranted reduction of local control.