

CENTRAL TEXAS COUNCIL OF GOVERNMENTS CENTRAL TEXAS COUNCIL OF GOVERNMENTS



CLOSED LANDFILL INVENTORY

Representing: Bell, Coryell, Hamilton, Lampasas, **Milam**, Mills, San
Saba Counties



A VOLUNTARY ASSOCIATION OF LOCAL GOVERNMENTS

**CENTRAL TEXAS COUNCIL OF GOVERNMENTS
PLANNING AND REGIONAL SERVICES**

550 EAST 2ND AVENUE
PHONE: (254) 933-7075 FAX: (254) 939-0885
P.O. BOX 729

BELTON, TEXAS 76513-0729

Resolution 023-04-2002

A Resolution of the Central Texas Council of Governments authorizing the approval of the Closed Landfill Inventory and the adoption of said Inventory as an amendment to the Regional Solid Waste Management Plan

Whereas, the Central Texas Council of Governments was designated by the State of Texas with the responsibility to prepare the Closed Landfill Inventory for its Region encompassing the counties of Bell, Coryell, Hamilton, Lampasas, Milam, Mills, and San Saba, pursuant to §363.064(a)(10) of the Texas Health & Safety Code, as amended by Senate Bill 1447, 76th Legislature, and

Whereas, the Central Texas Council of Governments published due notice in the newspapers of record, throughout its seven county region, prior to the Public Hearing for the Closed Landfill Inventory, which was held on May 25, 2001, and

Whereas, the Central Texas Council of Governments has completed the recommend revisions to the Inventory as submitted to the Central Texas Council of Governments by the Texas Natural Resource Conservation Commission in December of 2001, and

Whereas, the Solid Waste Advisory Committee of the Central Texas Council of Governments has approved and adopted the Inventory in a meeting open to the public on April 19, 2002, now

Therefore Be It Resolved, that the Executive Committee, the governing body of the Central Texas Council of Governments does approve and adopt the Closed Landfill Inventory as an amendment to the Regional Solid Waste Management Plan and authorizes its submittal to the Texas Natural Resource Conservation Commission for approval.

Passed and adopted this 25th day of April, 2002 by the Executive Committee of the Central Texas Council of Governments.

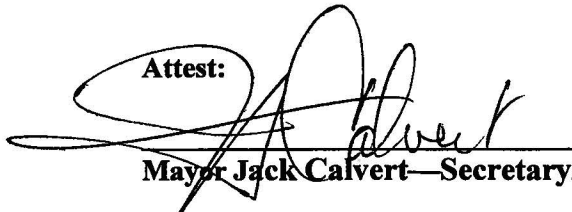


Judge Harlen Barker

April 25, 2002

Date

**Judge Harlen Barker, President—
Executive Committee**

Attest:


Mayor Jack Calvert—Secretary/Treasurer

CENTRAL TEXAS COUNCIL OF GOVERNMENTS
CLOSED LANDFILL INVENTORY

According to the Texas Natural Resource Conservation Commission's (TNRCC) Municipal Solid Waste regulations (31 TAC §330.951), the definition of a closed municipal solid waste landfill is as follows:

A discreet area of land or an excavation that has received only municipal solid waste or municipal solid waste combined with other solid wastes, including but not limited to construction/demolition waste, commercial solid waste, nonhazardous sludge, conditionally exempt small-quantity generator hazardous waste, and industrial solid waste, and that is not a land application unit, surface impoundment, injection well, or waste pit as those terms are now defined by 40 CFR §257.2 (EPA Regulations).

Under §363.064(a)(10) of the Texas Health & Safety Code, as amended by Senate Bill 1447, 76th Texas Legislature, all Councils of Governments are required to compile an inventory of closed municipal solid waste landfill units. Per the statutory provisions, the inventory is to include:

- a. landfill units no longer in operation
- b. the exact boundaries of each former landfill unit or, if the exact boundaries are not known, the best approximation of each unit's boundaries
- c. a map showing the approximate boundaries of each former landfill unit, if the exact boundaries are not known
- d. the current owners of the land on which the former landfill units were located
- e. the current use of the land

In compiling this inventory, the Central Texas Council of Governments (CTCOG) entered into a partnership with the Bell County Network for Education Technology (BellNET) in December of 1999. Working with a grant from the TNRCC and a School-to-Work grant from the Texas Workforce Commission, CTCOG and BellNET set out to establish a multidisciplinary approach to completing the inventory with a goal of finishing the project within the fiscal year 2002 timeframe.

Students from area colleges and universities were recruited by BellNET in June of 2000 to assist in gathering and organizing the landfill data. In exchange for their work, each student was awarded a small scholarship to the institution of their choice. Initial data collection was completed in November of 2000.

The data collection was analyzed and reviewed by CTCOG staff. Based on this data (written and verbal directions, previously drawn maps, deeds, inspection records, etc.), a map depicting each landfill and its boundaries was produced using DOQQ photographs. The site history, ownership information, current land use, and a narrative description of the location of each landfill were also included in the inventory. All maps and supporting information are derived from the best available public records—many times they are only estimations.

No claims are made as to the positional accuracy or completeness of the data or its suitability for a particular purpose. The minimum required components of the inventory, as required by the TNRCC, are listed below.

Once the initial compilation of the Inventory was complete, public meetings were held on May 10, 2001 at the Commissioner's Courtroom in Belton, Texas and on May 17, 2001 at the Commissioner's Courtroom in Lampasas, Texas. No public comment was received at either meeting. A public hearing was held on May 25, 2001 at the Commissioner's Courtroom in Belton, Texas to allow the public one final time of viewing and commenting on the Inventory before being adopted by CTCOG's governing body. No public comment was received.

The initial draft was sent to the TNRCC for comments in June of 2001, and the agency provided a list of recommended changes by December of the same year. These suggested changes were minor in nature and dealt primarily with formatting issues. The final revision of the inventory was complete in April of 2002.

The Solid Waste Advisory Committee met on April 19, 2002 and approved the Inventory and formally adopted the document as an amendment to the Regional Solid Waste Management Plan. The Executive Committee of CTCOG officially accepted this approval on April 25, 2002.

The Inventory is divided by county, however, Fort Hood is further divided into its own section despite the fact that it falls within Bell and Coryell counties. All landfills are in numerical order with the unpermitted sites listed first. Unpermitted sites are identified with a "U" number while permitted sites are identified by a "P" number. Reference attachments are listed chronologically. Please note that some of the Fort Hood site attachments are referenced by three different numbering systems—TNRCC, the Resource Conservation and Recover Act (RCRA), and Fort Hood's own numerical assignment. For example, site U2568 is a TNRCC designation, but the RCRA and Fort Hood numbers for this site are FH-003 and Site 4, respectively. In keeping with the rest of the Inventory, Fort Hood sites were arranged according to the TNRCC designation.

Two Appendices are included in the Inventory. Appendix I consists of landfill sites that were removed from the Inventory. Each of these sites is an unpermitted site with a corresponding permit number. In other words, both a permitted site and an unpermitted site had been found to encompass the same land area. For example, site U441 was found to be the same site as P1139. In all cases, the unpermitted site was removed. The corresponding permitted site remains listed in the appropriate county.

Appendix II lists landfill sites that were added to the Inventory. These sites have not been documented by the TNRCC and were discovered during the research for this Inventory. Each of these additional sites is located within Fort Hood. A temporary number has been assigned to each site. This number consists of the State assigned COG number (CTCOG is 23), T (for Temporary), and a three digit unit number beginning with 001.

7.0 MINIMUM REQUIRED COMPONENTS OF THE INVENTORY

For the most part, much of the minimum requirements of the closed landfill inventory can probably be completed without additional research (i.e., in most cases, the information collected thus far and provided to the COGs is sufficient to satisfy the basic inventory provisions of the statute, and only needs to be organized and presented in a consistent format). Further, although some of the COGs may intend to utilize geographic information systems, computer aided drawing, and supplemental databases, it is important to note that the approach to completing the inventory does not have to be highly technical or demand significant additional resources.

However, it should also be noted that taking a minimal approach may have drawbacks in the long run, particularly in regard to obtaining sufficient information to fulfill the statutory requirements beyond completing the inventory itself (i.e., notification of certain property owners). In addition, for those sites where little is known or the information available is not verified, the COG may need to consider whether further research or even a site investigation are warranted.

For permitted landfills, the inventory should include all of the landfill units at the permitted facility on one site information form, rather than listing each unit individually. In addition, the landfill units at a permitted landfill facility should not be included on the inventory until the permit for the entire facility has expired or been revoked. Prior to that time, there may be a possibility that the facility could reopen and, in any event, the facility would still be monitored by TNRCC as a permitted site.

Each COG must also evaluate the unpermitted sites listed on the statewide inventory. The COGs may exclude from the regional inventory those sites for which sufficient information is available to positively determine that the site never existed, all materials have subsequently been removed, or the site was misidentified as a closed landfill. All other sites from the statewide inventory should be reflected in the regional inventories.

However, if desired, the COG may list those sites that have been confirmed as closed landfills separate from sites that are suspected but have not been confirmed. This can be accomplished by including the high-confidence sites in one section and lower-confidence sites in another section. In both cases, the site information forms should provide information on the confidence that the COG has in the site designation and location.

Along with the completed inventory, the COG should provide TNRCC with a list of sites from the statewide inventory that were excluded from the regional inventory. For each site, the COG should provide information on why the site was excluded. This information can be submitted using the Database Revision Form provided in Appendix E.

TNRCC will provide the COGs with additional information on recent permit expirations and applications to develop over any closed landfill sites not included in the existing inventory database. These additional sites should be included in the regional inventories. Further, if a COG becomes aware of any additional closed landfill sites through its own research or investigation, the COG must determine the validity of the information and include such additional sites as appropriate in the regional inventory.

The grant contract specifies the mandatory components that must be included in the inventory to satisfy the statutory requirements. These components are outlined below, and explained further in the following subsections.

- Where known, a description of the exact boundaries of former landfill units
- If exact boundaries are not known, a description of the approximate boundaries of the former landfill units
- Where the exact boundaries are not known, include a map of the approximate boundaries of the former landfill units
- If known, the current owners of the land on which the former landfill unit is located
- If known, the current use of the land

7.1 Exact Landfill Unit Boundaries

Where known, the exact location and boundaries of the landfill units must be described. The COG will need to determine whether enough information is available to certify that the exact boundaries have been identified for a particular site. Several instances where it is recommended that the COG consider accepting the information as sufficient to describe the exact boundaries include:

- a. A certified metes and bounds description which has been publicly filed is available, such as found in an affidavit of closure;
- b. Certified engineering drawings and/or other certified surveys of the final landfill site are available in the records; or,
- c. A new survey has been conducted by the COG or other entity, preferably based on actual geographic coordinates.

7.2 Approximate Landfill Unit Boundaries

Where exact landfill unit boundaries are not known, a description of the approximate boundaries must be provided. This description should include as much information as is available to describe the location and boundaries of the site. Reference should be made to major physical and geographic features in relation to the site location. To the extent possible, it is recommended, but not required, that reference be made to the applicable basic land unit numbers (i.e., block, tract, parcel, etc.), as well as any available information on the geographic coordinates of the site and the landfill boundaries.

7.3 Maps

Where the exact location and boundaries are not known, the inventory must include a map of the approximate location and boundaries of the landfill unit. For consistency and overall usefulness of the inventory, it is recommended, but not required, that the inventory also include maps of those landfills where the exact boundaries are known.

In depicting approximate boundaries, showing only the approximate point location of a closed landfill site will not satisfy the mapping requirement. By the same token, nor will an overly broad boundary approximation, such as an entire quadrant of a county, be acceptable (i.e., the approximate boundaries indicated on a map must correlate as much as reasonably possible to the available information on the location of the site). In addition, as directed in the grant contract, all maps should show closed landfill boundaries in relation to identifying physical or geographic features, such as roads, waterways and lakes, rail lines, and/or other features.

For some of the sites, a detailed map of the landfill, based on engineering drawings or a survey, may already be available and can be included in the inventory. In most cases, however, a new map will need to be prepared.

Because a primary purpose of the inventory is to assist landowners and potential property buyers, public officials, and others in locating these sites, the COG should consider indicating on the maps the boundaries and identification numbers of affected land tracts (i.e., basic land units), to the extent that this information is available. Especially where the exact boundaries of a landfill are not known, indicating the basic land unit boundaries and unit numbers on the map may be one way to depict the approximate boundaries of the landfill in a manner that will fulfill the statutory requirement (an example map, using this approach, is provided in Appendix B).

Also, remember that even if exact boundaries are known, such as through a metes and bounds description, it may be difficult to exactly represent that site on a map. For instance, if the beginning geographic coordinates of the survey cannot be verified, the COG may not be able to present the map as "exact," even though a description of the exact boundary is available. For this reason, the maps should be considered as supplemental to the location and boundary descriptions in the inventory (e.g., metes and bounds description). The determination of whether the "exact" boundary of the landfill is known should be based on the location and boundary description and not on the accuracy of a map of the site.

For landfills where boundary lines are available, but cannot be accurately placed on a map, the COG should consider including a dotted line or other method to indicate that the position of those boundary lines is considered accurate within a certain distance or radius. Similarly, where boundary lines are not available, the COG should consider using this approach to indicate the approximate location and boundaries of the site, in relation to geographic and physical features and the boundaries of applicable basic land units (see Appendix B).

In addition to the boundary and geographic information provided on the map, it is important that the maps provide basic reference information. It is recommended that each map include the following or similar information:

- a. Title block, identifying county and landfill number;
- b. Block with map scale, orientation, COG name, and date of preparation;
- c. Sufficient geographic and physical reference features (i.e., roads, streams, political boundaries, etc.);
- c. Closed landfill unit boundaries (note as exact or approximate); and,
- d. Applicable basic land units, such as land tracts and identification numbers (as available).

It is also recommended that explanatory comments and a disclaimer be placed on each map, especially for those showing approximate boundaries. The disclaimer should note the legislative requirements.

If it has been determined that all materials were removed from the site, or that a landfill never existed in that location, it is not necessary to provide a map. However, the inventory form, as described in Section 8.0, should still be provided, stating as such.

7.4 Ownership Information

Per the grant contract, land ownership information will not be required by TNRCC, if this information is not available. However, if this information is not compiled for the inventory, the COG will later need to determine the owners of those tracts where the exact landfill boundaries are available, in order to fulfill the notification requirements of the statute.

In order to find ownership information, the COG will need to first determine the applicable land unit or units corresponding to the geographic coordinates of the site. For each basic land unit, the county appraisal records and/or deed records should show ownership information.

7.5 Land Use

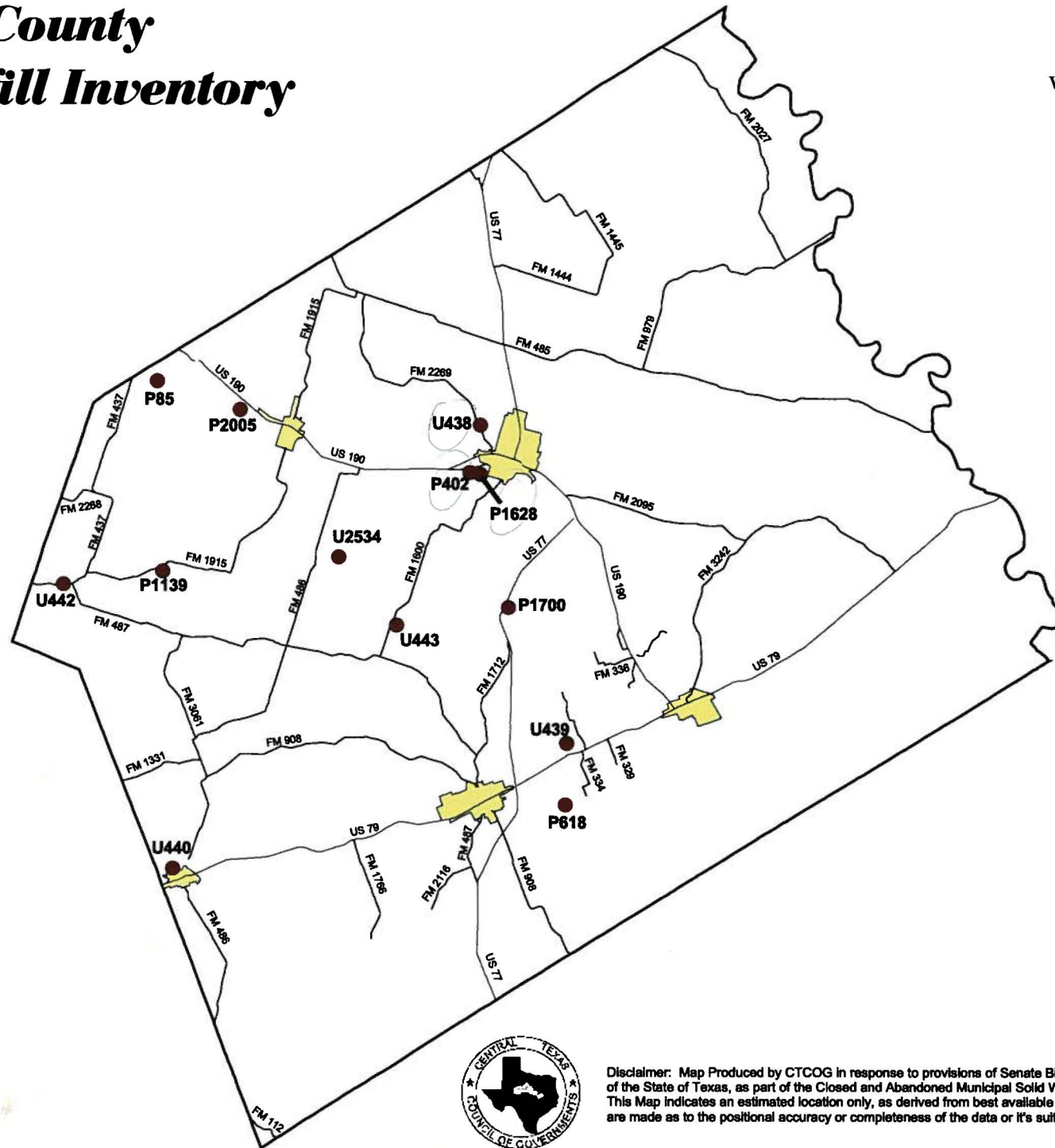
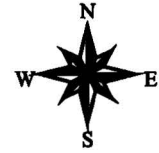
Per the grant contract, land use information will not be required by TNRCC, if this information is not available. However, land use information will be important to any subsequent work by the COG, local governments, or TNRCC to assess the risks posed by particular sites, based on land use.

TNRCC has not established standards for describing the land use for a site. To the extent possible, it may be best to provide land use information in descriptive terms. Several examples are provided below:

- commercial property with two storage warehouses located on the landfill site
- residential neighborhood with approximately 20 houses on the landfill site
- agricultural land, with no structures nearby

The extent to which a full description can be provided depends upon available information. If the COG or its consultant visually inspects the landfill site, or if analysis is done using aerial photos, then more descriptive information may be available. On the other hand, information derived from a local zoning map or land use plan may include reference to the land use designation of the area (i.e., commercial, industrial, residential, etc.).

Milam County Closed Landfill Inventory



Legend

- Landfill Location
- Roads
- City Limits



Disclaimer: Map Produced by CTCOG in response to provisions of Senate Bill 1447, 76th Legislature of the State of Texas, as part of the Closed and Abandoned Municipal Solid Waste Landfill Inventory. This Map indicates an estimated location only, as derived from best available public records. No claims are made as to the positional accuracy or completeness of the data or its suitability for a particular purpose.

Closed Landfill Inventory
Central Texas Council of Governments

Site Identification

County	Milam
Permitted Site Number	U438

Location and Boundary

COG Confidence Level	50%
Latitude	30.8734 N
Longitude	96.9994 W
Narrative Location Description	1 mile northwest of SH 36/US 190, East of FM 2269
Boundary Description	No Deed Located
Basic Land Units	Tract 950400, Block 1004

Land Use

Vacant

Ownership Information

Current Property Owner(s)	City of Cameron
Current Owner(s) Address	P.O. Box 833; Cameron, TX 76520
Dates of Ownership	Unknown
Land Unit	5 acres

Site History and Current Status

Previous Owner(s)	Unknown
Dates of Operation	Sept 1974 – Sept 28, 1989
Enforcement History	Unknown
Types of Waste Disposed	Unknown

Reference Attachments

Texas Water Commission Landfill Inventory

138

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 1

Date:

Name of Site 1) Cameron 2)

County Milam District 03 River Basin 1

Location Approx 1 mi NW of Hwy 36/Hwy 190 INTX ; E of FM 2269

Latitude _____ Longitude _____ Code II

SE Corner Y/N

Aerial Photo Series Name _____
Num. Code _____

7.5' Topographic Series Name _____
Num. Code _____

OPERATIONAL INFORMATION

Current Property Owner City of Cameron Code C#
Address _____
Telephone _____

Dates of Operation 2/15 to 2/15 Size 5 acres/cu. yds
(circle one)

Parties That Utilized Site Cameron,

Type of Waste: Household Y/N Construction/Demolition _____ Industrial _____
Y/N Y/N Y/N

Tires Agricultural Brush Other
Y/N Y/N Y/N

Hazardous Waste: Unlikely _____ Y/N
Probable _____ Y/N
Certain _____ Y/N

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 2

Site Name: _____

Date: _____

Legal Status During Operation

Legal
Unauthorized

Y/N
Y/N

Maximum Depth _____ Feet

Code IV

Constructed Liner Y/N If yes, describe _____

CLOSURE AND POST-CLOSURE

Final Cover Y/N Minimum Thickness _____ Code V

Current Use VI

Buried Utilities Y/N Structures Y/N Adjacent Structures (within 3000 ft) Y/N

Petroleum/Product Pipelines Y/N Wells (oil or water) Y/N

Status _____
Dates of Observation _____
Seeps Y/N _____
Gas Y/N _____
Vegetative Distress Y/N _____
Cover Erosion Y/N _____
Ponded Water Y/N _____

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 2

Site Name: _____

Date: _____

Legal Status During Operation

Legal
Unauthorized

Y/N
Y/N

Maximum Depth

Feet

Code

IV

Constructed Liner

Y/N

If yes, describe

CLOSURE AND POST-CLOSURE

Final Cover

Y/N

Minimum Thickness

Code

V

Current Use

VI

Buried Utilities

Y/N

Structures

Y/N

Adjacent Structures
(within 3000 ft)

Y/N

Petroleum/Product Pipelines

Y/N

Wells (oil or water)

Y/N

Dates of Observation

Status

Seeps

Y/N

Gas

Y/N

Vegetative Distress

Y/N

Cover Erosion

Y/N

Ponded Water

Y/N

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 3

Site Name: Cameron, Midland

Date:

OTHER INFORMATION

Aquifer Recharge Zone Y/N Aquifer _____

Inspection Record _____

Comments I identified in 1968 survey

Closed Landfill Inventory
Central Texas Council of Governments

Site Identification

County	Milam
Permitted Site Number	U439

Location and Boundary

COG Confidence Level	25%
Latitude	30.6886 N
Longitude	96.9453 W
Narrative Location Description	4 miles east of downtown Rockdale, north of US 79
Boundary Description	No Deed Located
Basic Land Units	Tract 950300, Block 5022

Land Use

Vacant

Ownership Information

Current Property Owner(s)	City of Rockdale
Current Owner(s) Address	P.O. Box 586; Rockdale, TX 76567
Dates of Ownership	Unknown
Land Unit	20 – 30 acres

Site History and Current Status

Previous Owner(s)	Unknown
Dates of Operation	4/19/68 – 2/15/93
Enforcement History	Unknown
Types of Waste Disposed	Household

Reference Attachments

Texas Water Commission Landfill Inventory

0439

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 1

Date:

Name of Site 1) Rock Dale 2)

County Milam District 03 River Basin I

Location Approx 4 mi F of downtown
N side of Hwy 179

Latitude _____ Longitude _____ Code II

SE Corner Y/N

Aerial Photo Series Name _____
Num. Code _____

7.5" Topographic Series Name _____
Num. Code _____

OPERATIONAL INFORMATION

Current Property Owner City of Rock Dale Code RP
Address _____
Telephone _____

Dates of Operation UK to UK Size 2.0 acres/cu. yds
(circle one)

Parties That Utilized Site Rock Dale

Type of Waste: Household Y/N Construction/Demolition _____ Y/N Industrial _____ Y/N

Tires _____ Agricultural _____ Y/N Brush _____ Y/N Other _____

Hazardous Waste: Unlikely _____ Y/N
Probable _____ Y/N
Certain _____ Y/N

UNDP

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

EXPLANATION OF CODES

CODE

I River basin code currently utilized by MSW Division

II a) from inspection
b) from map
c) reported

III a) certain
b) reported
c) speculated

IV a) certain
b) reported
c) speculated

V a) certain
b) reported
c) speculated

VI a) residential
b) commercial
c) industrial
d) park/recreation
e) school/hospital
f) agricultural
g) road
h) municipal
i) no activity

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 2

Site Name: _____

Date: _____

Legal Status During Operation

Legal
Unauthorized

Y/N
Y/N

Maximum Depth

Feet

Code

IV

Constructed Liner

Y/N

If yes, describe

CLOSURE AND POST-CLOSURE

Final Cover

Y/N

Minimum Thickness

Code

V

Current Use

VI

Buried Utilities

Y/N

Structures

Y/N

Adjacent Structures
(within 3000 ft)

Y/N

Petroleum/Product Pipelines

Y/N

Wells (oil or water)

Y/N

Status

Dates of Observation

Seeps

Y/N

Gas

Y/N

Vegetative Distress

Y/N

Cover Erosion

Y/N

Ponded Water

Y/N

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 3

Site Name:

Rockdale, Milan

Date:

OTHER INFORMATION

Aquifer Recharge Zone

Y/N

Aquifer

Inspection Record

Comments

1968 survey
I identified in ~~2/93/70W~~ latter

Closed Landfill Inventory
Central Texas Council of Governments

Site Identification

County Milam
Permitted Site Number U440

Location and Boundary

COG Confidence Level 25%
Latitude 30.6200 N
Longitude 97.2110 W
Narrative Location Description 1.5 miles west of Thorndale city limits on US 79
Boundary Description No Deed Located
Basic Land Units Tract 950800, Block 1023

Land Use

Vacant

Ownership Information

Current Property Owner(s) City of Thorndale
Current Owner(s) Address P.O. Box 308; Thorndale, TX 76577
Dates of Ownership Unknown
Land Unit 6 acres

Site History and Current Status

Previous Owner(s) Unknown
Dates of Operation 1961 – 12/89
Enforcement History Unknown
Types of Waste Disposed Unknown

Reference Attachments

City of Thorndale Letter Concerning Water Quality Concerns June 1974
Texas Water Quality Board Letter Regarding City Letter June 1974

~~Site Evaluation - Thorndale~~
~~One Mile North of Thorndale~~

June 4, 1974

Mr. Hugh C. Yantis, Jr., P. E.
Executive Director
Texas Water Quality Board
P. O. Box 13246
Capitol Station
Austin, Texas 78711

ATTENTION: Geological Services Section
Central Operations Division

Subject: Solid Waste - Milam County
Thorndale - Proposed Site Evaluation
One Mile North of Thorndale on Detmold Road

Dear Mr. Yantis:

This site was disapproved on the basis of water quality considerations by the Texas Water Quality Board. However, Mayor Louis Woelfel, Jr., of Thorndale, has requested reconsideration because the site is only to be used for a year. A copy of Mayor Woelfel's letter is enclosed.

It is believed that this factor was considered in your original site evaluation. We should appreciate your comments concerning this matter by June 18, 1974 so that we can notify the applicant concerning our decision.

Cordially,

LH(MRS)

G. R. Herzik, Jr., P. E.
Deputy Commissioner
Environmental and Consumer
Health Protection

WFW:gwm
Enclosure

cc: Region V, TSDH
County Health Department

FILE Solid Waste - Milam Co.
City of Thorndale - Prop. Site Evaluation
Defmold Road

J. DOUGLASS TOOLE
CHAIRMAN
0440
FRANK LEWIS
VICE-CHAIRMAN
HARRY P. BURLEIGH
CLAYTON T. GARRISON

TEXAS WATER QUALITY BOARD

JIM C. LANGDON
J. E. PEAVY, MD
HUGH C. YANTIS, JR.
EXECUTIVE DIRECTOR
PH. 475-2651
A.C. 512



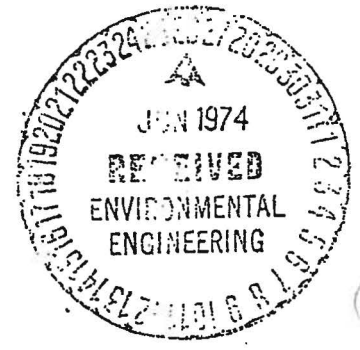
1700 NORTH CONGRESS AVE. 78701
P.O. BOX 13246 CAPITOL STATION 78711
AUSTIN, TEXAS

June 11, 1974

RE: Municipal Solid Waste - Proposed
Site Evaluation, City of Thorndale,
Milam County

H
RE
EXF
D

Mr. G. R. Herzik, Jr., P.E.
Deputy Commissioner
Environmental and Consumer
Health Protection
Texas State Department of Health
1100 West 49th Street
Austin, Texas 78756



Dear Mr. Herzik:

The Texas Water Quality Board has received your letter dated June 4, 1974 requesting us to review supporting information from the City of Thorndale for a municipal solid waste disposal site.

The information previously submitted for our review with this application was not sufficient to allow a complete evaluation of the water quality significance of this site. However, from the limited information submitted, and field reports, this site as proposed appears to present a potential hazard to water quality.

This decision is based on the consideration that the proposed site was originally dug for a stock watering pond but was abandoned because it would not hold water. The permeable in situ material will allow ex-filtration of any leachate from the site into the flood plain deposits of Turkey Creek and then into Turkey Creek. The duration of disposal has little bearing on the situation.

If we may be of further assistance, please contact us.

Very truly yours,

Hugh C. Yantis, Jr.
Executive Director

Closed Landfill Inventory
Central Texas Council of Governments

Site Identification

County Milam
Permitted Site Number U442

Location and Boundary

COG Confidence Level 50%
Latitude 30.7854 N
Longitude 97.2809 W
Narrative Location Description 0.3 miles west of the intersection of FM 437 and FM 487
Boundary Description No Deed Located
Basic Land Units Tract 950300, Block 4039

Land Use Private Landfill – Vacant

Ownership Information

Current Property Owner(s) Milam County
Current Owner(s) Address P.O. Box 1008; Cameron, Texas 76520
Dates of Ownership Unknown
Land Unit 1 acre

Site History and Current Status

Previous Owner(s) Unknown
Dates of Operation 1967 – 1977
Enforcement History Unknown
Types of Waste Disposed Brush

Reference Attachments

Texas Department of Health Inspection Report Jan. 1977
Texas Department of Health Memo Regarding Inspection Jan. 1977
Texas Air Control Board Letter Concerning Investigation Sept. 1977
Map
Texas Water Commission Landfill Inventory

INSPECTION REPORT

MUNICIPAL SOLID WASTE DISPOSAL SITE

TEXAS DEPARTMENT OF HEALTH RESOURCES

Permit or Application No. -- Classification Type I
 Location: County Milam City Milam County Pt.4 Region 6
 Street or Road 0.3 mi. W. of Int. FM 437 & FM 487, 700 ft. N. of FM 487
 Coordinates N. 30° 47.12' W. 97° 16.82'
 Name of Disposal Site Milam Co. (Davilla) Site Owner Milam Co.
 Site Operator (City/County, /~~Private~~) Milam Co.
 Area Served Davilla & surrounding area Population Served est. 200
 Officials Contacted During Visit Walter Stolte, Milam County Commissioner, Pt. 4, and Rod Holcombe, Milam Co. Health Dept.
 Persons Participating in Inspection Walter Stolte, Rod Holcombe, and Earl A. Ballman, P. E., TDHR
 Officials Responsible for Site Judge O. B. Harden, Co. Judge, Milam County Cameron, Tex. 76520 (817) 697-3581
 Purpose of Inspection Pursuant to a complaint regarding noncompliance of Dept.'s "Municipal Solid Waste Management Regulations".
 Date of Last Inspection initial Date of Last Correspondence --
 Land Use Within One Mile of Disposal Site residential and agricultural
 Brief Description of Site and Operation: Trench X Area X Other
 Depth at Deepest Excavation 0 - 3 ft.
 Size of Site 1 acre Amount of Land Remaining 0.1 acres
 Distance to: Public Road adjacent Water Well 240 ft. Residence 220 ft.
 Stream adjacent Airport Business 0.2 mi.
 Waste Collection: City County X Contractor Individuals X

14. Access

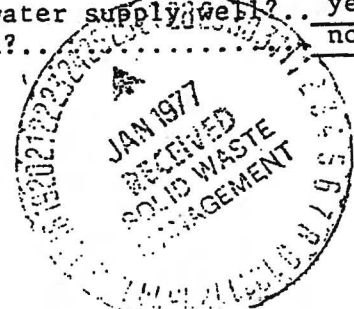
- A. All weather access to an unloading area provided?..... yes
 B. Is waste along the road to the site a problem?..... no

15. Security

- A. Is the site adequately fenced with lockable gates?.... fenced w/o gates.*
 B. If lockable gates are used, are adequate containers provided outside the gates when the site is closed?..... no
 C. If containers are provided, are they effectively utilized?..... N/A
 D. If lockable gates are not provided are alternate means of access control authorized by the Department?..... N/A
 E. If alternate means are authorized, are they effective?..... N/A

16. Water Pollution

- A. Is solid waste placed in groundwater? no
 B. Were leachates observed? (If yes, discuss in comments)..... no
 C. Is solid waste deposited within 500 feet of a public water system raw water intake or a water treatment plant?..... no
 D. Solid waste deposited within 500 feet of a drinking water supply well?..... yes*
 E. Can surface drainage enter working face or excavation?..... no



F. Site subject to flooding? possible When flooded? --
Use application as source --

17. Operational Standards

- 2.1 A. Burning observed or in evidence? yes Burning authorized? ?
- 2.1 B. Adequate fire protection provided? yes Method? earthen stockpile
- 2.2 C. Attendant on duty when site is open?..... no *
- 2.2 D. Adequate signs posted for internal control when attendant is not on duty?..... no *
- 2.2 E. Unloading of waste confined to as small an area as possible?..... no *
- 2.3 F. Blowing paper problem? yes * Controls none
- 2.4 G. Are hazardous materials accepted? no
If yes, cover in comments.
- 2.5 H. Adequate provisions for: Brush yes Dead animals no Bulky items yes
- 2.6 I. Fly population light Evidence of rodents none Birds none
- 2.7 J. Is scavenging occurring?..... no
- 2.9 K. Is cover adequate and applied at required frequency?..... no *
- 2.9 L. Closed sections of landfill properly maintained?..... no *
- M. Is site in compliance with all permit special provisions?..... N/A
If no, explain in comments.
- N. Adequate equipment and maintenance of equipment provided?..... yes
- O. Adequate staff provided for proper disposal?..... yes
- 2.7 P. If salvaging is practiced is it adequately controlled?..... yes

Improvements since previous inspection: site operated ten years or more

Summary of non-compliance: see attached letter

Comments (use additional sheets as necessary): 'County Commissioner Walter Stolte plans to properly close site because of insufficient available cover material.

Recommendations (use additional sheets as necessary): see attached letter

Action requested of Central Office: date, sign and transmit attached letter to Judge O. B. Harden.

Inspected by Earl A. Ballman Date 1-7-77

Approved by [Signature] Date 1-21-77

Please attach copies of letters originated by Regional Office)

Texas Department of Health Resources

AUSTIN

TEXAS

LOG

Davilla

INTER-OFFICE

FROM Earl A. Ballman, P. E. TO G. R. Herzik, Jr., P. E.
Jack C. Carmichael, P. E.

SUBJECT Solid Waste - Milam County
Milam County (Davilla) - Municipal Disposal Site
0.3 Mi. W. of Int. FM 437 & FM 487, 700 ft. W. of FM 487
Coordinates: N. 30° 47.12' W. 97° 16.82'

On January 7, 1977, the writer inspected the subject solid waste disposal site pursuant to a complaint regarding noncompliance of the Department's "Municipal Solid Waste Management Regulations". The writer was accompanied by Mr. Rod Holcombe, R. S., Milam County Health Department, and Mr. Walter Stolte, Milam County Commissioner, Precinct No. 4. Your office received a letter from Mr. Ludria Lee Roberts concerning problems created by the subject site near Davilla. Copies of your reply to Mr. Roberts and of your letter to Dr. Perrin were received by our office along with a request that we investigate the possibility that the site may require a permit. Mr. Ludria Lee Roberts, Box 115, Davilla, Texas; Mr. Booker T. Williams, Box 23, Davilla, Texas; Mr. Elton Hendrix, Caldwell, Texas, met us at the site and discussed the matter. Mr. Walter Stolte stated that due to the insufficient available cover material and extremely low budget he would probably be forced to close the site. We discussed the regulations concerning the County operation of the site and also the closing of the site. Mr. Stolte was informed of the requirement of securing a permit to operate the site if the County decided to operate the site.

Mr. Roberts, Mr. Williams, and Mr. Hendrix wanted the site closed and felt than another site could be found.

If additional information is needed, please let us know.

Approved: *TD*
Thomas D. Tiner, P. E.

EAB/mj



SIGNED *Earl A. Ballman*

THRU: A. M. Donnell, Jr., M.D.

Jack C. Carmichael, P. E.
Director
Division of Solid Waste Management

Regional Director of Public Health
Region 6
ATTN: Mr. Thomas D. Tiner, P. E.

Solid Waste - Milam County
Davilla Community
0

On January 7, 1977, Mr. Earl A. Ballman inspected an unauthorized solid waste disposal site in the Davilla community pursuant to a complaint from a number of the residents in that vicinity. The site inspected was located 0.3 mile west of the intersection of FM 437 and FM 487, 700 feet north of FM 487.

Subsequently, on February 8, 1977, a letter was sent from this office to Milam County Judge, O. B. Hardin, listing the conditions of noncompliance and the corrective actions required.

On July 26, 1977, we received a copy of a letter dated July 21, 1977, from the Texas Air Control Board to the Honorable Dan Kubiak, Texas House of Representatives, concerning the dumping and burning of trash in the Davilla area. A copy of this letter was sent to you August 2, 1977. This letter was believed to concern the site located above and we expected that a follow-up inspection would be scheduled for this site along with other routine business in the vicinity.

However, on August 24, 1977, Mr. Héctor Mendieta, P. E., received a call from Mr. Gary Naylor of the Texas Air Control Board who indicated the site referred to in the letter to Representative Kubiak was located south of the intersection of FM 437 and FM 487, approximately 450 yards from the old school house. This indicates there may be two unauthorized dump sites in the Davilla area.

Since there is interest shown by the State Representative, and the County Judge has not returned the permit application or indicated the first subject site has been closed, further investigation of dumping in this community may be appropriate. We suggest that you investigate and inspect the site or sites as soon as your itineraries will permit.

LEL:mcg





*DMAC
JCC*

TEXAS AIR CONTROL BOARD

PHONE 512/451-5711
8520 SHOAL CREEK BOULEVARD

BILL STEWART, P. E.
EXECUTIVE DIRECTOR

228
CMS: EL(90183) Fried

AUSTIN, TEXAS 78758

September 8, 1977

JOHN L. BLAIR, Chairman
WILLIE L. ULICH, Ph. D., P. E., Vice Chairman
WILLIAM N. ALLAN
JOE C. BRIDGEFARMER, P. E.
FRED HARTMAN

CHARLES R. JAYNES
D. JACK KILIAN, M. D.
WILLIAM D. PARISH
E. W. ROBINSON, P. E.



The Honorable Dan Kubiak, Member
Texas House of Representatives
Post Office Box 272
Rockdale, Texas 76567

Dear Mr. Kubiak:

This is to notify you of the findings of our recent investigation of the complaint by Mr. Bill Lawhon about a private dumping area started in the Davilla area of Milam County.

Information obtained indicates that the disposal site was selected by City of Davilla and Milam County officials and will be operated and used by the City of Davilla. Compliance with Board Regulations should preclude an air pollution problem being caused by this operation.

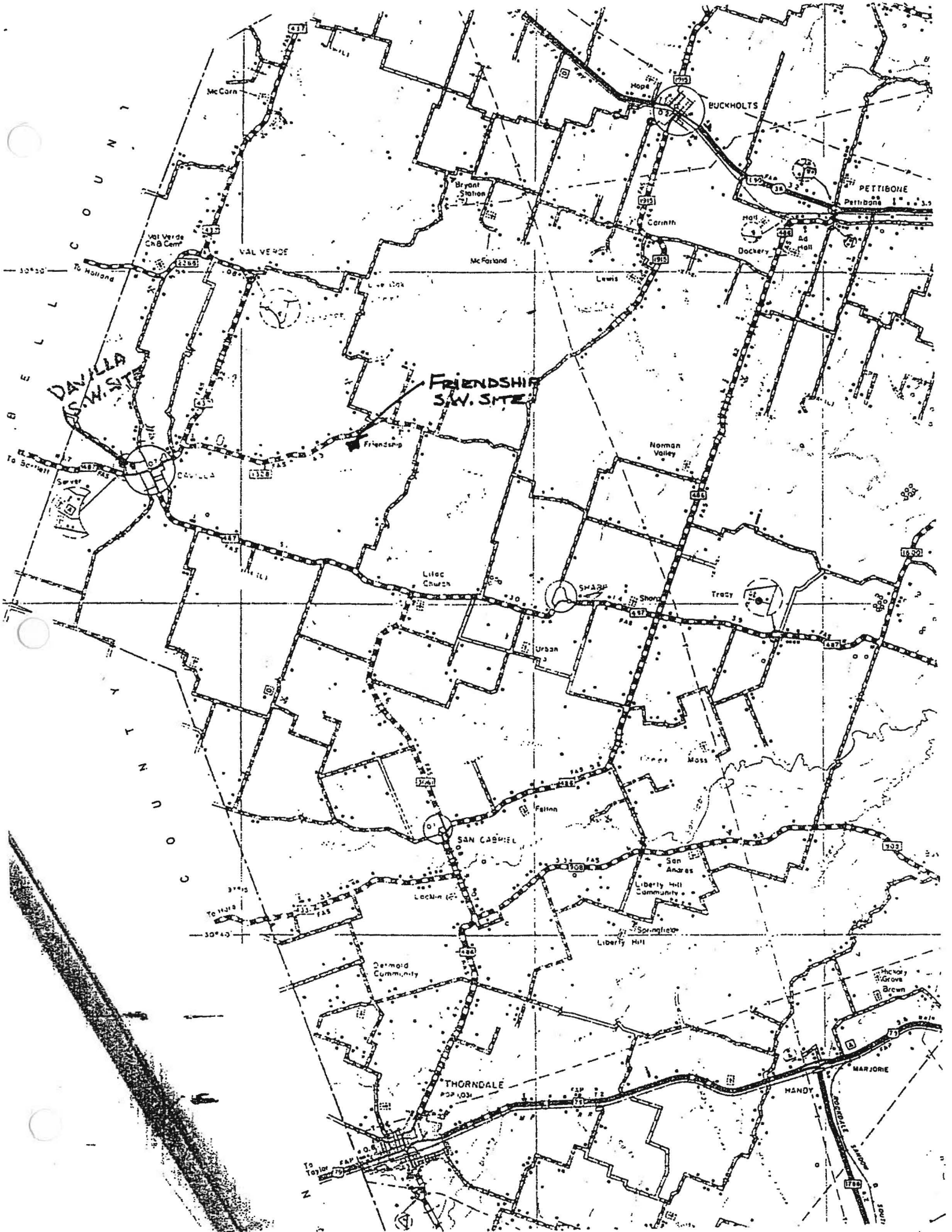
Mr. Lawhon is now satisfied with the relocation of the site regarding its proximity to an old abandoned schoolhouse. An investigation will be made by the Texas Department of Health regarding compliance with their permit requirements.

If you have further questions concerning this matter or if we can be of further assistance, please do not hesitate to contact me.

Sincerely yours,

Bill Stewart, P.E.
Executive Director
Texas Air Control Board

ccs: Mr. Eugene Fulton, Regional Supervisor, Waco
Mr. G. R. Herzik, Jr., Texas Department of Health, Austin
Mr. Bill Lawhon, Rockdale



B
E
L
L
C
O
U
N
T
Y
T
E
X
A
S

FRIENDSHIP
S.W. SITE

DAVILLA
S.W. SITE

0442

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 1

Date:

Name of Site 1) De Villa - Milam Co.

County Milam District 03 River Basin I

Location .3 mi W of Int 2 FM 437/FM 487, 1700 ft
N of FM 487

Latitude 30° 47.12' Longitude 97° 16.82' Code Q#

SE Corner Y/N

Aerial Photo Series Name _____
Num. Code _____

7.5" Topographic Series Name _____
Num. Code _____

OPERATIONAL INFORMATION

Current Property Owner Milam County Code C#

Address _____

Telephone _____

Dates of Operation 1967 to 1977 Size 1 acres/cu. yds
(circle one)

Parties That Utilized Site Deville + vicinity

Type of Waste: Household Y/N Construction/Demolition Y/N Industrial Y/N

Tires Y/N Agricultural Y/N Brush Y/N Other _____

Hazardous Waste: Unlikely Y/N
Probable Y/N
Certain Y/N

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 2

Site Name: _____

Date: _____

Legal Status During Operation

Legal
Unauthorized

Y/N
Y/N

Maximum Depth

3 Feet

Code

6 ~~#~~

Constructed Liner

Y/N

If yes, describe

CLOSURE AND POST-CLOSURE

Final Cover

Y/N

Minimum Thickness

Code

V

Current Use

VI

Buried Utilities

Y/N

Structures

Y/N

Adjacent Structures
(within 3000 ft)

Y/N

Petroleum/Product Pipelines

Y/N

Wells (oil or water)

Y/N

Status

Dates of Observation

Seeps

Y/N

Gas

Y/N

Vegetative Distress

Y/N

Cover Erosion

Y/N

Ponded Water

Y/N

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

Page 3

Site Name: Davilla-City, Milam Date: _____

OTHER INFORMATION

Aquifer Recharge Zone _____ Y/N _____ Aquifer _____

Inspection Record 1/7/77 - adjacent to nearest

water course; trench + area fill
operation; burning observed;

Closure indicated in 1/77 inspection

Comments

TEXAS WATER COMMISSION
1977
MILAM COUNTY
DAVILLA CITY
LANDFILL INVENTORY

TEXAS WATER COMMISSION

Closed/Abandoned Landfill Inventory

EXPLANATION OF CODES

CODE

- I River basin code currently utilized by MSW Division

- II
 - a) from inspection
 - b) from map
 - c) reported

- III
 - a) certain
 - b) reported
 - c) speculated

- IV
 - a) certain
 - b) reported
 - c) speculated

- V
 - a) certain
 - b) reported
 - c) speculated

- VI
 - a) residential
 - b) commercial
 - c) industrial
 - d) park/recreation
 - e) school/hospital
 - f) agricultural
 - g) road
 - h) municipal
 - i) no activity

Closed Landfill Inventory
Central Texas Council of Governments

Site Identification

County	Milam
Permitted Site Number	U443

Location and Boundary

COG Confidence Level	50%
Latitude	30.7583 N
Longitude	97.0582 W
Narrative Location Description	6 miles northwest of Cameron near SH 36
Boundary Description	No Deed Located
Basic Land Units	Tract 950300, Block 4000

Land Use	Vacant or Agriculture
-----------------	-----------------------

Ownership Information

Current Property Owner(s)	B.L. Franke
Current Owner(s) Address	Unknown
Dates of Ownership	Unknown
Land Unit	25 acres

Site History and Current Status

Previous Owner(s)	Unknown
Dates of Operation	1969 - September 1974
Enforcement History	Unknown
Types of Waste Disposed	Unknown

Reference Attachments

None

Closed Landfill Inventory
Central Texas Council of Governments

Site Identification

County Milam
Permitted Site Number U2534

Location and Boundary

COG Confidence Level 50%
Latitude 30.7991 N
Longitude 97.0960 W
Narrative Location Description End of CR 203, 2 miles southwest of FM 486
Boundary Description No Deed Located
Basic Land Units Tract 950400, Block 2275

Land Use Vacant

Ownership Information

Current Property Owner(s) Ernie Kahler
Current Owner(s) Address 302 N. Ross; Cameron, TX 76520
Dates of Ownership Unknown
Land Unit Unknown

Site History and Current Status

Previous Owner(s) Unknown
Dates of Operation 1995 – 1995
Enforcement History Unknown
Types of Waste Disposed Solid waste

Reference Attachments

General Power of Attorney April 1982
TNRCC Inspection Report March 1995
Summary of Violations Report March 1995
TNRCC Inspection Report April 1995
TNRCC Letter Regarding Inspection April 1995

GENERAL POWER OF ATTORNEY

THE STATE OF TEXAS X
 X KNOW ALL MEN BY THESE PRESENTS
COUNTY OF MILAM X

THAT I, E. L. Kahler, Sr., a/k/a Ernest Louis Kahler, Sr., County of Milam, State of Texas, hereby make, constitute and appoint Edward Clayton Kahler, County of Dallas, State of Texas, and James H. Kahler, Sr., County of Milam, State of Texas, or the survivor of them, my true and lawful attorneys in fact for me and in my name, place and stead, and for my use and benefit:

1. To exercise, do, or perform any act, right, power, duty or obligation whatsoever that I now have or may acquire the legal right, power or capacity to exercise, do, or perform in connection with, arising out of, or relating to any person, item, thing, transaction, business, property, real or personal, tangible or intangible, or matter whatsoever;
2. To ask, demand, sue for, recover, collect, receive, and hold and possess all such sums of money, debts, dues, bonds, notes, checks, drafts, accounts, deposits, legacies, bequests, devises, interest, dividends, stock certificates, certificates of deposit, annuities, pension and retirement benefits, insurance benefits and proceeds, documents of title, choses in action, personal and real property, intangible and tangible property and property rights, and demands whatsoever, liquidated or unliquidated, as are now, or shall hereafter become owned by, or due, owing, payable, or belonging to me or in which I have or may acquire an interest, and to have, use and take procedures, and writs in my name for the collection and recovery thereof, and to compromise, settle, and agree for the same, and to make, execute and deliver for me and in my name all endorsements, acquittances, releases, receipts, or other sufficient discharges for the same;
3. To lease, purchase, exchange, and acquire, and to bargain, contract, and agree for the lease, purchase, exchange, and acquisition of, and to take, receive, and possess any real or personal property whatsoever, tangible or intangible, or interest therein, on such terms and conditions, and under such covenants, as said attorneys in fact shall deem proper;
4. To improve, repair, maintain, manage, insure, rent, lease, sell, release, convey, subject to liens, mortgages, and hypothecate, and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, which I now own or may hereafter acquire, for me and in my name, and under such terms and conditions, and under such covenants as said attorneys shall deem proper;
5. To engage in and transact any and all lawful business of whatsoever nature or kind for me and in my name;
6. To sign, endorse, execute, acknowledge, deliver, receive and possess such applications, contracts, agreements, options, covenants, deeds, conveyances, trust deeds, security agreements, bills of sale, leases, mortgages, assignments, insurance policies, bills of lading, warehouse receipts, documents of title, bills, bonds, debentures, checks, drafts, bills of exchange, notes, stock certificates, proxies, warrants, commercial paper, receipts, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of, banks,

landfill 2534 160

savings and loan or other institutions or associations (including, but not limited to, the right to enter into any safe deposit box in which I may have an interest and to remove, and receipt therefor, any and all contents thereof), proofs of loss, evidences of debts, releases, and satisfaction of mortgages, judgments, liens, security agreements, and other debts and obligations, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted.

7. I grant to my said attorneys in fact full power and authority to do and perform all and every act and thing whatsoever requisite, necessary, and proper to be done in the exercise of any rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said attorneys in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorneys and the rights and powers herein granted.

8. The rights, powers, and authority of said attorneys in fact to exercise any and all of the rights and powers herein granted shall commence and be in full force and effect from the execution date hereof, and shall remain in full force and effect until revocation hereof is recorded in the office of the County Clerk of Milam County, Texas.

I specifically authorize my attorneys in fact above named or the survivor of them to sell, transfer, or convey all or any of my property real or personal to any person including themselves and/or my other children. I further specifically authorize my attorneys in fact above named or the survivor of them to make gifts of my property real or personal to themselves and/or to my other children.

THIS POWER OF ATTORNEY SHALL NOT TERMINATE UPON MY DISABILITY OR INCOMPETENCY.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of APRIL, 1982.

E. L. Kahler
E. L. Kahler, Sr.
a/k/a Ernest Louis Kahler, Sr.

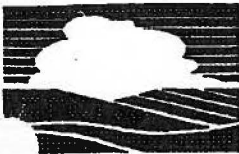
THE STATE OF TEXAS X
COUNTY OF MILAM X

BEFORE ME, the undersigned authority, on this day personally appeared E. L. Kahler, Sr., a/k/a Ernest Louis Kahler, Sr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER my hand and seal of office this the 14th day of APRIL, 1982.



[Signature]
Notary Public in and for
Milam County, Texas



455010011 2534 02534

Texas Natural Resource Conservation Commission Municipal Solid Waste Division Inspection Report: Unauthorized Site

Inspection Date: 03/30/95
Pictures Taken? Yes / No

Time: 11:00 A.M.
Copy To: Ground Water Permit

ID: MSW-455090011 Type: Una Region: 9 County Name: Milam
 Permittee / Business Name: E. L. Kahler Et Al
 Responsible Person: Property Owner Ernie Kahler
 Operation Description: There was no activity at the site at the time of this inspection.

Primary Contact(s): E. L. Kahler
 Telephone Number(s): Responsible Person: (817)697-2124, Contact: (817)697-2124
 Person(s) Contacted:
 Person(s) Participating:

TNRCC Representative(s): J. Hoyt Childres

Purpose of Inspection: Routine Central Office Follow Up
 Complaint Court Order
 Post Closure Closure
 Regional Follow Up Technical Support/Other

Next Inspection: 3/96
 Last Inspection: /

Weather: Partly cloudy, mild, and recent rains.

FIELD OPERATIONS DIVISION
APR 13 95
RECORDED

INSPECTION RESULTS

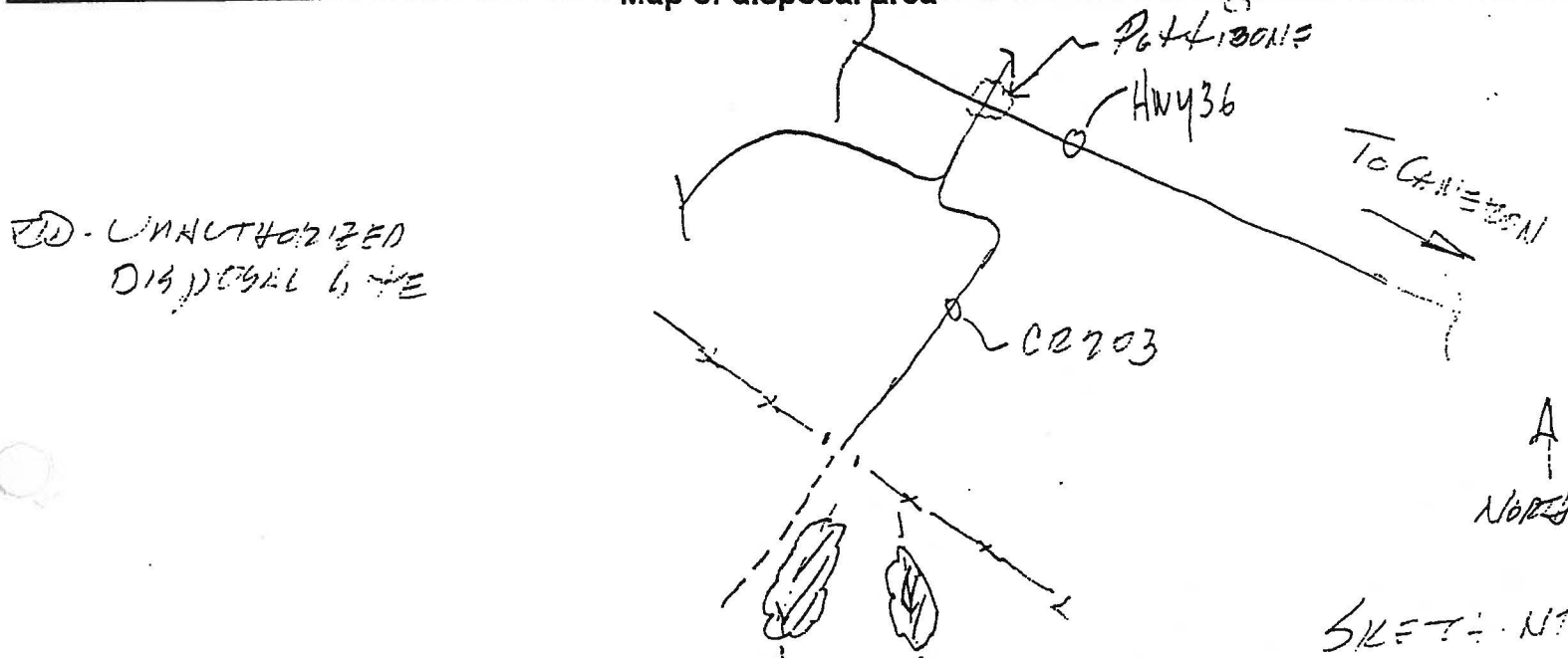
No Past	Article	Description
1	<input checked="" type="checkbox"/> <input type="checkbox"/> 330.4	Permit Required
2	<input checked="" type="checkbox"/> <input type="checkbox"/> 330.5(a)	General Prohibitions
3	<input type="checkbox"/> <input checked="" type="checkbox"/> 330.5(a)(1)	Waste Discharges
4	<input checked="" type="checkbox"/> <input type="checkbox"/> 330.5(a)(2)	Nuisance Conditions
5	<input checked="" type="checkbox"/> <input type="checkbox"/> 330.5(a)(3)	Endangerment
6	<input checked="" type="checkbox"/> <input type="checkbox"/> 26.121(a)	All Discharges
7	<input checked="" type="checkbox"/> <input type="checkbox"/> 26.121(a)(3)	Other Activities

Describe the following on comments page.

- 8 Landowner's Consent
- 9 Tipping Fees
- 10 Types of Waste
- 11 Site dimensions
- 12 General conditions
- 13 Known transporters
- 14 Known generators

MAY 25 95

Map of disposal area



* Yes indicates that no violation was observed or that this rule is not applicable to this site.

Summary of Violations Observed During Inspection
on March 30, 1995

Page 1

E. L. Kahler Et Al - Site No. MSW-455090011

1) 30 Texas Administrative Code (TAC) §330.4-Permit

Required:

No person may cause, suffer, allow, or permit any activity of storage, processing, removal, or disposal of any municipal solid waste unless such activity is authorized by a permit of other authorization from the Texas Natural Resource Conservation Commission.

Violation:

During the inspection conducted on 3-30-95, the TNRCC investigator documented solid waste being disposed of at the reference site without a permit. The waste has been dumped into and along a drainage ditch. The waste consists primarily of building debris, roofing material, wood, lumber, metal, plastic, and a minor amount of household garbage.

Corrective Action:

Cease accepting waste at the unauthorized site immediately, and erect a barrier which will prevent unauthorized waste disposal from occurring at the site. All waste shall should be removed to an authorized Municipal Solid Waste Landfill.

2) 30 Texas Administrative Code (TAC)

§330.5(a)(1)-Discharges:

In addition to the requirements of 30 TAC §330.4, a person may not cause, suffer, allow, or permit the collection, storage, transportation, processing, or disposal of municipal solid waste, or the use or operation of a solid waste facility to store, process, or dispose of solid waste, or to extract materials in violation of the Texas Solid Waste Disposal Act, or any regulations, rules, permit, license, order of the commission or in such a manner so as to cause the discharge or imminent threat of discharge of municipal solid waste into or adjacent to the waters in the state without obtaining specific authorization for such discharge from the commission.



**Texas Natural Resource Conservation Commission
Municipal Solid Waste Division
Inspection Report: Unauthorized Site**

Comments Page for: MSW-455090011

Violations	Comments
330.4	During the inspection conducted on 3-30-95, the TNRCC investigator documented solid waste being disposed of at the reference site without a permit. The waste has been dumped into and along a drainage ditch. The waste consists primarily of building debris, roofing material, wood, lumber, metal, plastic, and a minor amount of household garbage.
330.5(a)(1)	The waste has been dumped into a drainage ditch just a few hundred yards from the Little River, There is an imminent threat of discharge of this waste into the waters of the state.
Consent	The land owner does not live on the property. Apparently the property owner was not aware of the dumping.
Tipping Fees	Unknown
Waste Types	The waste consists primarily of building debris, wood, lumber, roofing material, paper, plastic, and a minor amount of household garbage.
Dimensions	See sketch of site. The overall dimensions of the site include about 200 feet along two large drainage ditches with irregular widths.
Conditions	The location of the waste makes it highly susceptible to being washed downstream into the Little River.
Transporters	Unknown
Generators	Unknown

Inspection Comments

This property apparently was inherited several years ago and the current owners spent little if any time at the site. The tax appraisal office show two brothers owning the property. One lives in Cameron and the other on Pasadena TX. Letters will be sent to both individuals.

TNRCC Representative: *[Signature]* Date: 4-10-95
 Approved By: *[Signature]* Date: 4.10.95

John Hall, *Chairman*
Pam Reed, *Commissioner*
Peggy Garner, *Commissioner*
Anthony Grigsby, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

April 10, 1995

Certified Mail # P 115 407 050

Property Owner Ernie Kahler
302 North Ross
Cameron, TX, TX 76520

Re: Municipal Solid Waste - Milam County
E. L. Kahler Et Al - Site No. MSW-455090011
Located near end of CR 203, about 3.2 miles Southwest of
FM 486.

Dear Property Owner Kahler:

On March 30, 1995, J. Hoyt Childres of the Texas Natural Resource Conservation Commission (TNRCC) conducted an inspection of the above-named site. The inspection was conducted to determine the site's compliance with applicable laws, regulations, and permit/site development plan provisions pertaining to municipal solid waste management. The inspector observed and documented conditions that we believe constitute violations of these requirements, as is explained in this letter and the attached summary.

The Commission recognizes that the great majority of the community wants to prevent pollution and to comply with environmental laws. The agency looks forward to working with you to resolve this matter. We ask that you respond in writing with your proposed schedule for corrective actions, and that you do so no later than 30 days from the date of receipt of this letter. We also ask that you advise us of any corrective action which you have taken already.

April 10, 1995

We will conduct an on-site inspection or review of records at the appropriate time to verify compliance. If you respond within the specified time frame, complete any requested corrective actions, and correct the violations cited in the attached summary, we will not pursue further action for the violations at this time. However, please note that the Legislature has granted the Commission enforcement powers to carry out its mission to protect human health and the environment. If you fail to adequately respond we will ask the Commission to exercise those powers.

Official copies of applicable state regulations, found in 30 Texas Administrative Code Chapter 330, may be purchased from the following sources:

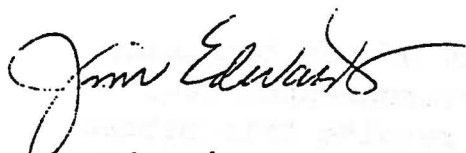
Texas Register
P.O. Box 13824
Austin, Tx 78711-3924
(512) 463-5561

West Publishing Company
P.O. Box 64526
St. Paul, MN 55164-0526
(612) 687-7000 or (800) 328-9352
Fax: (612) 687-7302

Other sources for acquiring the rules are listed in TNRCC publication *Regulatory Resource* which may be requested from the Waco Region office (817) 751-9227 or the TNRCC Publications Division (512) 239-0028.

If you have any questions regarding these matters, please contact J. Hoyt Childres at (817) 751-9227.

Sincerely,



Jim Edwards
Waco Region Waste Program Manager

Attachment(s)

cc: Central Records
Municipal Solid Waste Division (Austin)

Closed Landfill Inventory
Central Texas Council of Governments

Site Identification

County Milam
Permitted Site Number P85

Location and Boundary

COG Confidence Level 25%
Latitude 30.901694 N
Longitude 97.216054 W
Narrative Location Description 1 mile east of FM 437, 1.25 M south of Rogers
Boundary Description See Affidavit
Basic Land Units Tract 950100, Block 3104

Land Use

Vacant

Ownership Information

Current Property Owner(s) Darrell C. Cobb
Current Owner(s) Address Rt. 1; Rogers, TX 76569
Dates of Ownership Unknown
Land Unit 10 acres

Site History and Current Status

Previous Owner(s) Unknown
Dates of Operation 1975/11/17 – 1975/12/14
Enforcement History 10/14/1988 – inspection
Types of Waste Disposed Solid Waste

Reference Attachments

Texas Department of Health Letter Regarding Inspection Oct. 1988
Affidavit of Ownership Aug. 1989

OCT 14 1988

**Honorable F. A. Parsky
Mayor of Rogers
P.O. Drawer 250
Rogers, Texas 76569**

**Honorable John Garth
Bell County Judge
Bell County Courthouse
Belton, Texas 76513**

**Subject: Solid Waste - Bell County
City of Rogers & Bell County - Permit No. 85
1.0 Mile E of FM-437, 1.25 Miles S of Rogers**

Dear Mayor Parsky and Judge Garth:

On September 22, 1988, Mr. Edward J. Myers, R.S., from our regional office, inspected the subject Type III municipal solid waste disposal facility. During this inspection, our representative was accompanied by Mr. Joe Martinez, Site Superintendent.

Our inspection report revealed the site was closed to the receipt of waste; however, violations of the Texas Department of Health's "Municipal Solid Waste Management Regulations" (MSWMR) were noted. The violated rules and corrective actions required are as indicated:

- 1. 325.150(a): "... all wastes deposited shall be compacted with suitable compaction equipment as frequently as necessary to minimize voids." The previously deposited waste must be properly compacted.**
- 2. 325.150(c): "The entire surface of each completed portion of the fill shall be provided with final cover within 30 days unless inclement weather would prevent the application of any cover material. ..." You must promptly place final cover over all currently completed areas.**

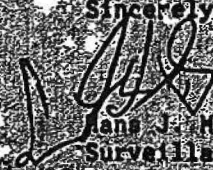
Honorable V. A. Persky
Page 2

For the first five years after closure, the site operator must periodically inspect the closed site and correct as necessary any problems associated with erosion, vegetative growth, leachate or methane migration, and subsidence or ponding of water on the site. Department representatives will also inspect the site periodically during this period to assure that the site is adequately maintained.

Your cooperation in closing this site is greatly appreciated.

If you have any questions concerning this letter or if we may be of any assistance to you regarding solid waste management, you may contact Mr. Jerry B. Garnatt, P.E., of my staff here in Austin at telephone number (512) 458-7271 or you may prefer to contact Mr. Oran Buckner, P.E., Regional Director of Environmental and Consumer Health Protection at 2408 South 37th Street, Temple, Texas 76504-7168; telephone number (817) 778-6744.

Sincerely,



Hans J. Mueller, P.E., Chief
Surveillance and Enforcement Branch
Division of Solid Waste Management

JLG:mo

Enclosure

cc: Region 1, TDH, Temple
Bell County Health District
Rogers Water and Sewer Superintendent
Bell County Engineer
Rogers City Secretary

	Date Completed	Initials
Proofread		
Originator	5-11	JLG
Section Chief		
Branch Chief		
Div Director		
Bureau Chief		
Forwarded		
Distributed/	5-16	Oran
Mailed	5/19/79	Oran
Filed		

CITY OF ROGERS

DRAWER 254

ROGERS, TEXAS 76569

AFFIDAVIT TO THE PUBLIC

TELEPHONE
817/642-3312

STATE OF TEXAS

COUNTY OF Bell

Before me, the undersigned authority, on this day personally appeared Darrel Cobb who, after being by me duly sworn, upon oath states that he was the record owner of that certain tract or parcel of land lying and being situated in Millam County, Texas, and being more particularly described as follows:

A tract of land in Millam County, Texas, also being out of and a part of a 69.1 acre tract as described in a deed from N. E. Taylor, et ux, to J. E. Thomas and H. Ratliff, said deed being of record in Vol. 241, Page 502, Deed Records of Millam County, Texas.

BEGINNING at an iron pipe in an old fence line at the southeast corner of the said 69.1 acre tract for the southeast corner of this.

THENCE N. 19 06' 20" E., 544.50 along and with an old fence line to an iron pipe for the northeast corner of this.

THENCE N. 71 41' 00" W., 800.00 feet to an iron pipe for the northwest corner of this.

THENCE S. 19 06' 20" W., 544.50 feet to an iron pipe set in an old fence line for the southwest corner of this.

THENCE S. 71 41' 00" E., 800.0 feet along and with an old fence line to the place of beginning, containing 10.0 acres of land.

The undersigned further states that from the year 1975 to the year 1984 there was operated on the aforesaid tract of land a Solid Waste Disposal Site. Specifically, such operation was conducted on that portion of the aforesaid tract described above.

Further, the undersigned, City of Rogers was the operator of such Solid Waste Disposal Site.

WITNESS MY HAND on this the 10th day of July 1989.

Darrel Cobb
Owner

SWORN TO AND SUBSCRIBED before me on this the 16th day of July 1989.



Kichey Hand
Notary Public in and for
Bell County, Texas

Billy R Crow
Operator,
Mayor, City of Rogers

SWORN TO AND SUBSCRIBED before me on this the 17 day of July 1989.

Linda Stepha
Notary Public in and for
Bell County, Texas



FILED FOR RECORD
3 o'clock PM
3 day of July 1989
WILHE MAE WIESER
County Clerk, Millam County, Texas
By [Signature]

Vol. 615 Page 292

EXHIBIT 1

Description of Property:

Closed Landfill Inventory Central Texas Council of Governments

Site Identification

County Milam
Permitted Site Number P402

Location and Boundary

COG Confidence Level 25%
Latitude 30.8461 N
Longitude 97.0073 W
Narrative Location Description 2 miles southwest of downtown Cameron
Boundary Description No Deed Located
Basic Land Units Tract 950400, Block 2229

Land Use

Vacant or Agriculture

Ownership Information

Owner Unknown
Current Property Owner(s) Permitted to: City of Cameron
Current Owner(s) Address P.O. Drawer 833; Cameron, TX 76520
Dates of Ownership Unknown
Land Unit 100 acres

Site History and Current Status

Previous Owner(s) Unknown
Dates of Operation 01/01/1968 – 10/03/1988
Enforcement History Unknown
Types of Waste Disposed Unknown

Reference Attachments

Survey Maps

ENTRANCE FLOW
750 171 CFS
7100 189 CFS

GRAVEL ROAD

EXISTING LANDFILL
(COMPLETED AND ABANDONED)

GRAVEL ROAD

CURRENT OPERATION
AREA FILLED
TRENCHES #1 THROUGH 4

TRENCH # 5 IN OPERATION

TEST HOLE 2
ELEV=390.29

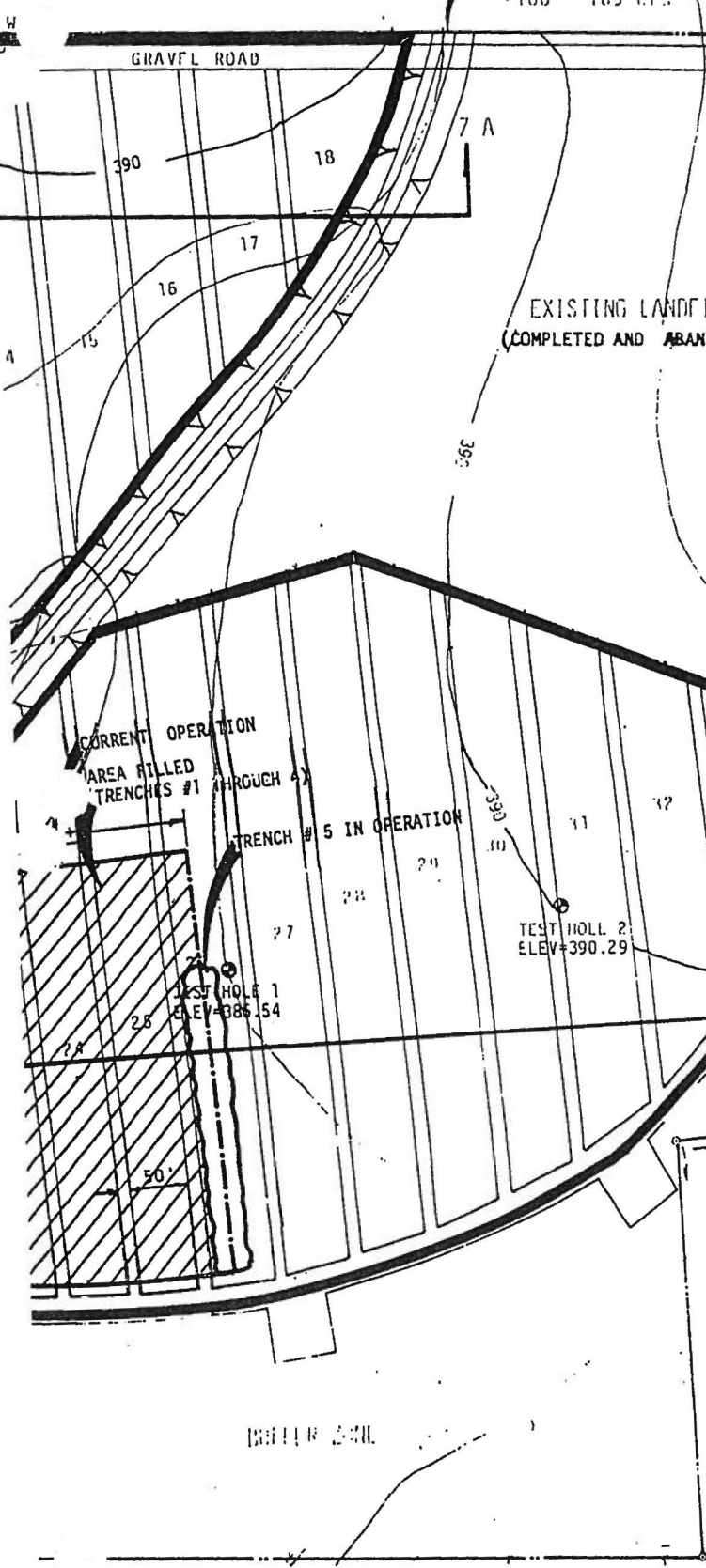
TEST HOLE 1
ELEV=386.54

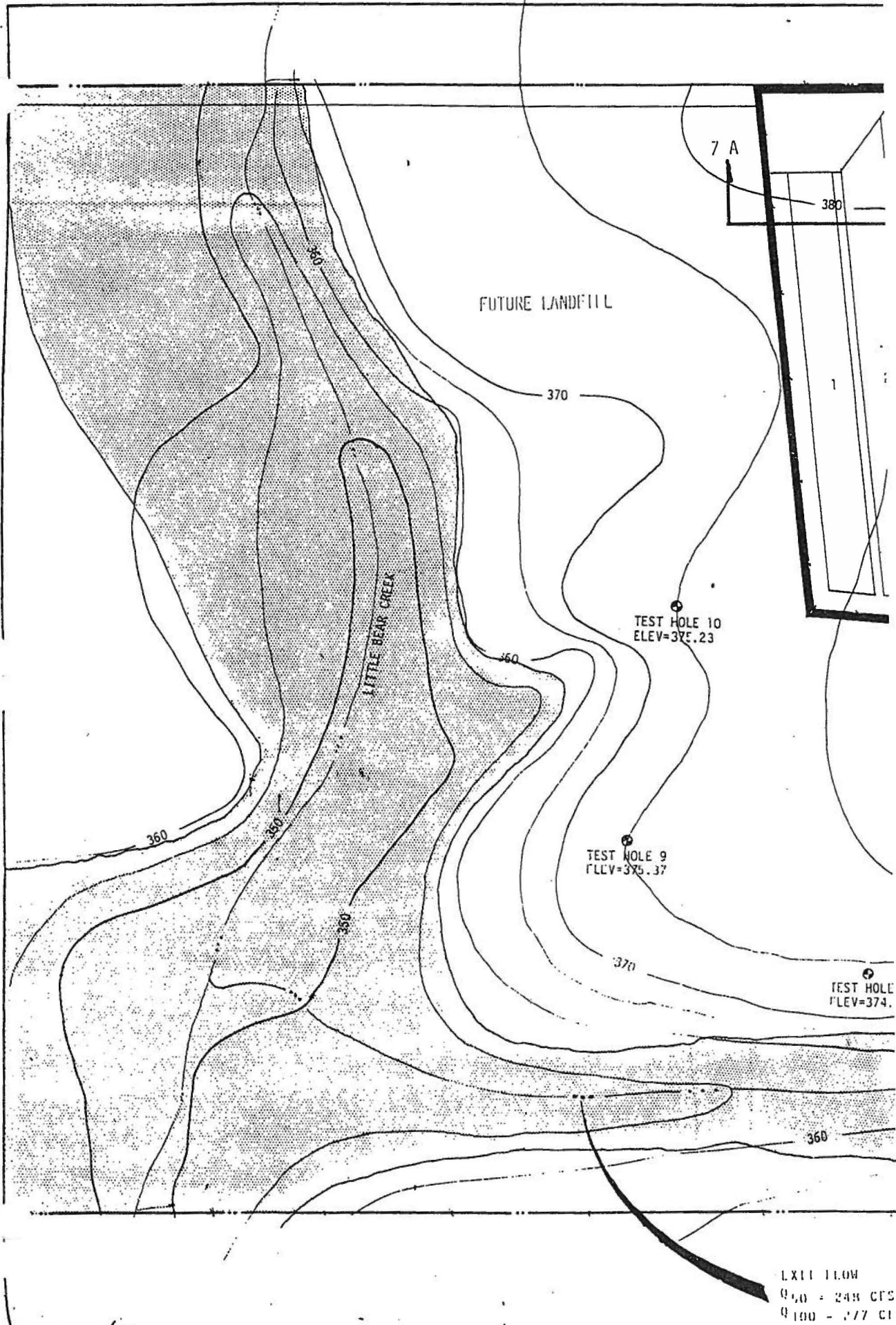
N 15° E
142.3'
N 71° W
22.2'

N 83° 30' W
216.7'

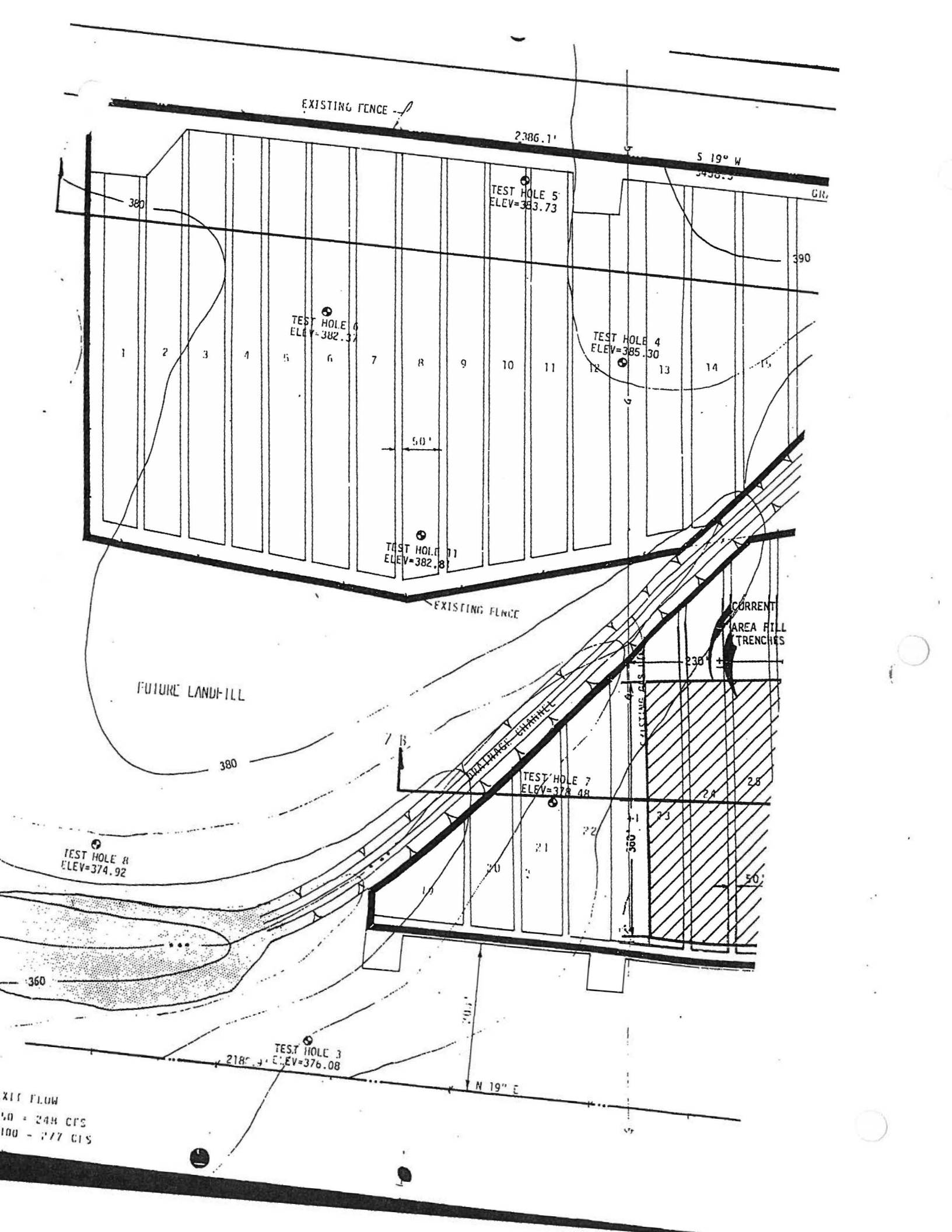
2

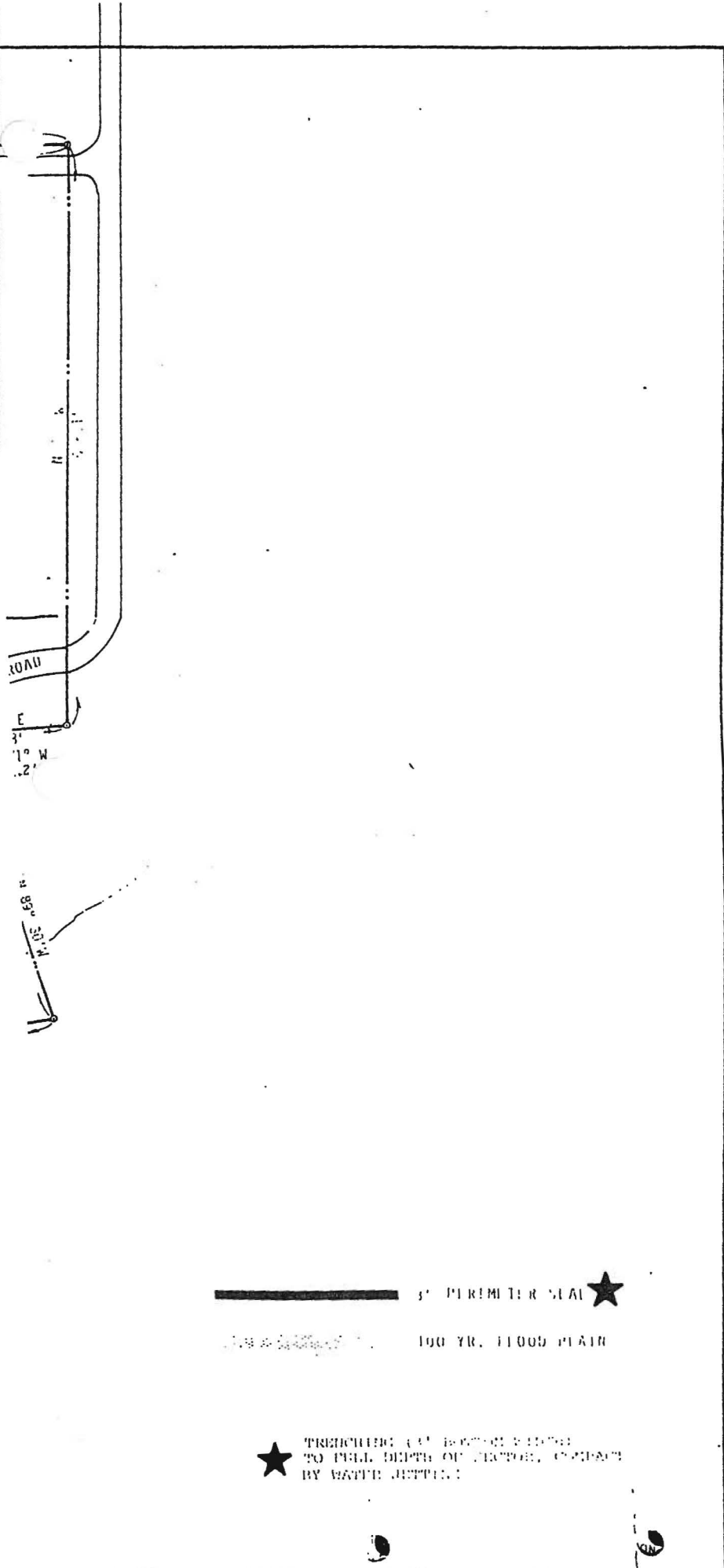
GRAVEL ROAD





LXII FLOW
Q₅₀ = 248 CFS
Q₁₀₀ = 277 CFS

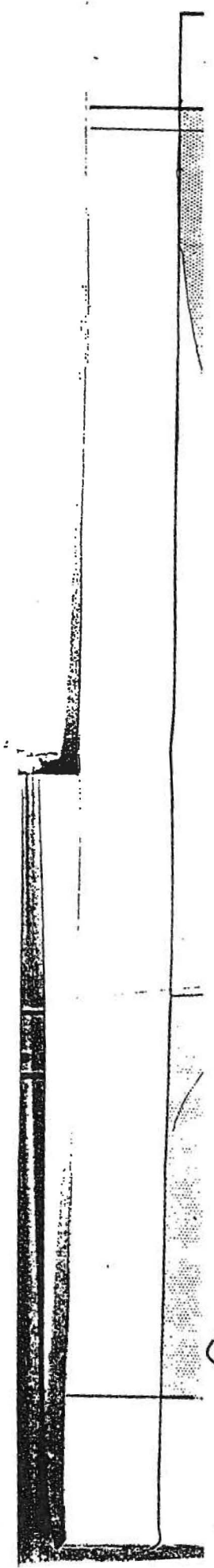




— 3' PERIMETER SEAL ★

--- 100 YR. FLOOD PLAIN

★ TRENCHING 4" BELOW GRADE TO FULL DEPTH OF TRENCH, CAUSED BY WATER UPTAKE



Handwritten notes:
 County
 Milan
 P 402
 100