



Municipal Solid Waste Landfills (MSWLF) and Transfer Stations
Title 30 Texas Administrative Code (TAC) § 106.534
Permit by Rule (PBR) Checklist

The Texas Commission on Environmental Quality (TCEQ), Air Permits Division developed the following checklist to assist applicants in determining whether or not a MSWLF or Transfer Station meets all of the applicable requirements. Before claiming a specific Permit by Rule (PBR), a MSWLF or Transfer Station must first meet all of the requirements of Title 30 Texas Administrative Code (30 TAC) § 106.4, "Requirements for Permitting by Rule." Only then can the applicant proceed with addressing requirements of the specific PBR being claimed. The use of this checklist is not mandatory; however, it is the responsibility of each applicant to show how a site being claimed under a PBR meets the general requirements of 30 TAC § 106.4 and the specific requirements of 30 TAC § 106.534. This checklist is designed to help owner/operators determine if their MSWLF and/or Transfer Station meet these requirements.

Please note that sites currently authorized under 30 TAC § 106.534 or Standard Exemption (SE) 110 that continue to qualify for that PBR or SE and have not been "modified" or "reconstructed," as defined in 40 Code of Federal Regulations Part 60, Subpart WWW (40 CFR Part 60, Subpart WWW), prior to March 23, 2006, may remain authorized under the PBR or SE until the site has been modified or reconstructed. If the site is constructed, "modified" or "reconstructed" on or after March 23, 2006, it must qualify for the current MSWLF PBR §106.534. If the site cannot be authorized by PBR 30 TAC § 106.534, see the MSWLF Standard Permit 30 TAC § 330.981 or New Source Review Permit 30 TAC § 116.110(a) for potential authorization.

Rule Citation	Question/Description	Response
	Is the site one of the following (check all that apply)? Type I <input type="checkbox"/> Type I-AE <input type="checkbox"/> Type II <input type="checkbox"/> Type III <input type="checkbox"/> Type IV <input type="checkbox"/> Type IV-AE <input type="checkbox"/> Type V <input type="checkbox"/> <i>If "YES," continue. If "NO," PBR 106.534 cannot authorize the facility.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(1)(A)	Does the MSWLF site only do cell construction and/or waste disposal? <i>If "YES," continue. If "NO," PBR 106.534 cannot authorize the facility unless the landfill site is not expected to exceed the design capacity of the PBR limits for the life of the LF, the landfill owners/operators will still have the option of adding facilities at landfills authorized under §106 in the future.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(1)(B)	Will maintenance, startup, shutdown, or emission excursions under 30 TAC § 101, Subchapter F of this title be included in this registration? <i>If "YES," PBR 106.534 can not authorize the facility. If "NO," continue.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(2)	Does the owner/operator have a valid permit or registration under 30 TAC § 330.7? <i>If "YES," continue. If "NO," you must obtain a valid Municipal Solid Waste permit.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(3)	Does the MSWLF or transfer station have a design capacity less than 2.5 million megagrams (MMg) by mass or 2.5 million cubic meters (M ³) by volume? <i>If "YES," continue. If "NO," PBR 106.534 cannot authorize the facility.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(4)	Does the MSWLF or transfer station have a non-methane organic compound (NMOC) emission rate less than 50 megagrams per year (50 Mg/yr)? <i>NOTE: As determined by the latest EPA version of AP-42 Chapter 2.4 or EPA LANDGEM. If "YES," continue. If "NO," PBR 106.534 cannot authorize the facility.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(5)	Does the site have emissions of 25 tons per year or less of volatile organic compounds (VOC) or particulate matter (PM)? <i>If "YES," continue. If "NO," PBR 106.534 cannot authorize the facility.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(6)	Will there be visible emissions leaving the property which exceed 30 seconds for any six minute period? <i>NOTE: As determined by EPA Test Method 22.</i> <i>If "YES," PBR 106.534 cannot authorize the facility. If "NO," continue.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO

Rule Citation	Question/Description	Response
(8)	<p>Does the site comply with applicable requirements of all federal regulations and state rules?</p> <ul style="list-style-type: none"> • 30 TAC § 113 of this title (relating to Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants) • 40 Code of Federal Regulations Part 60, Subpart WWW (relating to Standards of Performance for Municipal Solid Waste Landfills) <p><i>If "YES," Checklist for the MSWLF is now complete.</i> <i>If "NO," PBR 106.534 cannot authorize the facility.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA
(7)(A)	<p>Does the transfer station operate in compliance with the Texas Health and Safety Code Section 361, Solid Waste Disposal Act?</p> <p><i>If "YES," continue. If "NO," PBR 106.534 cannot authorize the facility.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(7)(B)	<p>Does the facility retain over 1000 tons of waste overnight?</p> <p><i>If "YES," continue. If "NO," Checklist for the transfer station is now complete.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(7)(B)	<p>For facilities that retain over 1000 tons of waste overnight:</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<p>Is the waste holding area covered by a ventilated building?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<p>Is the vertical exhaust vent located at least 16 feet above ground level?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<p>Is the minimum capacity of the exhaust vent 45,000 cubic feet per minute?</p> <p><i>If "YES," to all of the above, answer question 8 below.</i> <i>If "NO," to any of the above, PBR 106.534 cannot authorize the facility.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(8)	<p>Does the transfer station comply with applicable requirements of all federal regulations and state rules?</p> <ul style="list-style-type: none"> • 30 TAC § 111 of this title (relating to Control of Air Pollution from Visible Emissions and Particulate Matter) • 30 TAC § 113 of this title (relating to Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants) • 40 Code of Federal Regulations Part 60, Subpart WWW (relating to Standards of Performance for Municipal Solid Waste Landfills) <p><i>If "YES," Checklist for the transfer Station is now complete.</i> <i>If "NO," PBR 106.534 cannot authorize the facility.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA