

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 29, 2019

Mr. Nord S. Sorensen
President
MedCare Environmental Solutions, Inc.
P.O. BOX 21106
Amarillo, Texas 79114

Re: MedCare Environmental Solutions - El Paso County
Municipal Solid Waste (MSW) - Registration No. 40294
Transmittal of Registration
Tracking No(s). 22547511, 22704161, 22704154, 23036734, 23226221, and 23331180;
RN102330248/CN605450303

Dear Mr. Sorensen:

Enclosed is a copy of the above-referenced registration for a MSW facility issued pursuant to Chapter 361 of the Texas Health & Safety Code. The Application and all documents prepared and submitted dated February 19, 2018, and revisions dated March 13, June 26, August 15, and September 21, 2018 and October 2 and 31, 2018, and November 13, 2018, to support the registration application shall be considered a part of this registration and shall be requirements of this registration.

Please be aware that if the physical construction of the facility does not begin within two years of the issuance of this registration, the registration shall automatically terminate and will no longer be effective pursuant to Title 30 Texas Administrative Code (30 TAC) Section (§)326.77(e). Once the facility is constructed, the registrant is required to submit a certification by a Texas-licensed professional engineer stating that the facility is constructed as designed in accordance with the issued registration pursuant to 30 TAC §326.77(i). After construction activities are complete and prior to accepting waste, the registrant must contact the executive director and applicable regional office in writing and request a pre-opening inspection pursuant to 30 TAC §326.77(j).

If you have any questions, please contact Daniela Ortiz de Montellano of the MSW Permits Section at (512) 239-2210. When addressing written correspondence, please use mail code MC 124.

This action is taken under authority delegated by the executive director of the Texas Commission on Environmental Quality.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Lott".

Earl Lott, Director
Waste Permits Division

EL/DO/sm

Enclosure

cc: Mr. Clint Green, OJD Engineering, LP, Amarillo

Texas Commission on Environmental Quality



Registration for a Municipal Solid Waste (MSW) Management Facility

Issued under provisions of Texas
Health & Safety Code
Chapter 361

MSW Registration No.: 40294
Name of Site Operator/Registrant: MedCare Environmental Solutions, Inc.
Property Owner: EL Paso B & P Properties, LLC.
Facility Name: MedCare Environmental Solutions
Facility Address: 9119 Billy The Kid Street
El Paso, Texas 79907
Facility Classification: Medical Waste Processing Facility

The registrant is authorized to store and process medical waste in accordance with the limitations, requirements, and other conditions set forth herein. This registration is granted subject to the rules and Orders of the Commission and laws of the State of Texas. Nothing in this registration exempts the registrant from compliance with other applicable rules and regulations of the Texas Commission on Environmental Quality. This registration will be valid until canceled, amended, or revoked by the Commission.

Approved, Issued and Effective in accordance with Title 30 Texas Administrative Code (30 TAC) Chapter 326.

Issued Date: January 18, 2019

A handwritten signature in black ink, appearing to read "T. G. Baker", written over a horizontal line.

For the Commission

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I. Facility Size and Location

- A. The MedCare Environmental Solutions facility is located at 9119 Billy the Kid Street, El Paso, Texas 79907, El Paso County, Texas. The facility contains 1.545 acres.
- B. The legal description is contained in Part 326.71 Registration Application Content, Section (7) Metes and Bounds and Drawing 1-3 of the application which is incorporated by reference in Attachment A of this registration.
- C. Coordinates of Site:
 - Latitude: 31° 41' 53.678" N
 - Longitude: 106° 19' 13.738" W

II. Authorized Waste Management

A. Days and Hours of Operation

The authorized operating hours will be from 6:00 am to 8:00 pm, Monday to Friday. The operator shall post the operating hours on the site sign.

B. Waste Management Units

The registrant is authorized to operate the units related to medical waste storage and processing for the waste authorized, which shall include all units as described in the registration application.

C. Waste Streams Accepted

The registrant is authorized to accept the following wastes: medical waste as defined in 30 TAC Section (§)326.3(23), non-hazardous pharmaceutical waste, trace chemotherapeutic waste, confidential documents, and municipal solid waste that would be classified as medical waste if it were generated by health-care related facilities as identified in 30 TAC §326.61(h).

D. Wastes Prohibited at this Facility

Any waste not authorized in Provision II.C of this registration.

E. Waste Acceptance Rate

Medical waste may be accepted for storage, treatment, and transfer at this facility at a maximum rate of 48 tons per day.

F. Maximum Volume Available for Storage

The maximum amount of waste to be stored on-site at any time will not exceed 48 tons. Untreated medical waste received at a temperature above 45 degrees Fahrenheit may be treated within a maximum storage time of 72 hours from the day of receipt. Untreated medical waste remaining longer than 72 hours shall be stored below 45 degrees Fahrenheit and treated within a maximum of 30 days from the day of receipt. Treated medical waste shall be transferred to a disposal site within 96 hours from the day of treatment at the facility.

G. Changes, Additions, or Expansions

Any proposed facility changes must be authorized in accordance with Texas Commission on Environmental Quality (TCEQ) rules in 30 TAC Chapter 326 (Medical Waste Management) and 30 TAC Chapter 305 (Consolidated Permits).

III. Facility Design, Construction, and Operation

- A. Facility design, construction, and operation must comply with this registration, the registration application as incorporated by reference in Attachment A, and the regulations in 30 TAC Chapter 326.
- B. The entire waste management facility shall be designed, constructed, operated, and maintained to prevent the release and migration of any waste, contaminant, or pollutant, and to prevent inundation of or discharge from the areas surrounding the facility components.
- C. The site shall be designed and operated so as not to cause a violation of:
 - 1. The requirements of the Texas Water Code, §26.121;
 - 2. Any requirements of the Federal Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements, §402 as amended; or Texas Pollutant Discharge Elimination System requirements;
 - 3. The requirements under the Federal Clean Water Act, §404, as amended; and
 - 4. Any requirement of an area wide or statewide water quality management plan that has been approved under the Federal Clean Water Act, §208 or §319, as amended.
- D. Facility Personnel: All facility employees and other persons involved in facility operations shall be qualified, trained, and experienced to perform their duties so as to achieve compliance with this registration. The registrant shall further ensure that personnel are familiar with safety procedures, contingency plans, the requirements of the Commission's rules, and this registration, commensurate with their levels and positions of authority.

IV. Financial Assurance

- A. Authorization to operate the facility is contingent upon compliance with provisions contained within this registration and maintenance of financial assurance in accordance with 30 TAC §326.71(n) and Chapter 37.
- B. The amount of financial assurance posted for closure shall be provided in current dollars in an amount equal to closing the entire facility pursuant to 30 TAC §326.71(m). The owner and/or operator shall annually adjust the closure cost estimate and the dollar amount of the financial assurance for inflation within 60 days prior to the anniversary date of the registration pursuant to 30 TAC Chapter 37 Subchapter B. Continuous financial assurance coverage for closure must be provided until all requirements of the final closure plan have been completed and the site is determined to be closed in writing by the executive director.
- C. The facility provides a closure cost estimate in two phases of development. Within 60 days after the date of registration issuance or prior to the initial receipt of waste, the registrant shall provide financial assurance instrument(s) for demonstration of closure and facility closure in an amount equal to but not less than \$55,660 for Phase I of operation and \$106,030 for Phase 2 of operation for closure in 2018 dollars. Prior to entering each phase of operation, a financial assurance mechanism must be approved by the TCEQ and a pre-opening inspection must be completed by the TCEQ El Paso Regional Office. The amount of financial assurance to be posted annually shall be determined as described in Provisions IV.A and IV.B of this registration and 30 TAC Chapter 37.

- D. If the facility's closure plan is modified, the registrant shall provide new cost estimates in current dollars, which meet the requirements 30 TAC Chapter 37 and 30 TAC §326.71(n) as applicable. Modifications shall be made pursuant to 30 TAC §305.70. The amount of the financial assurance shall be adjusted and provided within 45 days after the modification is approved.
- E. Adjustments to the cost estimates and/or financial assurance instrument(s) to comply with any financial assurance regulation that is adopted by the TCEQ subsequent to the issuance of this registration shall be initiated as a modification within 30 days after the effective date of the new regulation.

V. Facility Closure

A. Closure shall commence:

1. Upon direction by the executive director of the TCEQ for failure by the registrant to comply with the terms and conditions of this registration or violation of State or Federal regulations. The executive director is authorized to issue emergency orders to the registrant in accordance with §§5.501 and 5.512 of the Texas Water Code regarding this matter after considering whether an emergency requiring immediate action to protect the public health and safety exists;
2. Upon abandonment of the site by the registrant;
3. Upon direction of the executive director for failure by the registrant to secure and maintain adequate financial assurance as required; or
4. Upon registrant's notification to the TCEQ that the facility will no longer operate.

B. Closure Completion Requirements:

The facility shall be closed in accordance with the Closure Plan and Closure Cost Estimate in Part III of the application, and 30 TAC §326.71(k) and §326.71(l).

VI. Standard Registration Conditions

- A. This registration is based on the registration application dated February 19, 2018, and revisions dated March 13, June 26, August 15, and September 21, 2018 and October 2 and 31, 2018, and November 13, 2018. These application materials are incorporated into this registration by reference in Attachment A. Any and all revisions to these materials shall become conditions of this registration upon the date of approval by the Commission. The registrant shall comply with the registration application and revisions, maintain the application and all supporting documents at the facility, and make them available for inspection by TCEQ personnel.
- B. Failure to comply with any condition may constitute a violation of the registration, the rules of the Commission, and the Texas Solid Waste Disposal Act and is grounds for an enforcement action, revocation, or suspension.
- C. Attachment B, consisting of temporary authorizations, modifications, and corrections to this registration, is hereby made a part of this registration.
- D. Once the facility is constructed, the registrant is required to submit a certification by a Texas-licensed professional engineer that the facility is constructed as designed in accordance with the issued registration pursuant to 30 TAC §326.77(i).

- E. After construction activities are complete and prior to accepting waste, the registrant shall contact the executive director and region office in writing and request a pre-opening inspection pursuant to 30 TAC §326.77(j).
- F. Inspection and entry onto the site by authorized personnel shall be allowed during the site operating life pursuant to 30 TAC §326.71(b)(2).
- G. The provisions of this registration are severable. If any registration provision or the application of any registration provision to any circumstance is held invalid, the remainder of this registration shall not be affected.
- H. Regardless of the specific designs contained in the registration application, the registrant shall be required to meet all performance standards in the registration, the application, or as required by local, State, and Federal laws.
- I. If differences arise between these registration provisions and the Application, these registration provisions shall prevail.
- J. The registrant shall comply with the requirements of the air permit exemption in 30 TAC §106.534, if applicable, and the applicable requirements of 30 TAC Chapters 106 and 116.

VII. Incorporated Regulatory Requirements

- A. The registrant shall comply with all applicable Federal, State, and local regulations and shall obtain any and all other required permits prior to the beginning of any operation authorized by this registration.
- B. To the extent applicable to the activities authorized by this registration, the requirements of 30 TAC Chapters 37, 305, and 326, and future revisions are adopted by reference and are hereby made provisions and conditions of this registration.

VIII. Special Provisions

None.

IX. Attachment A

The Registration Application.

X. Attachment B

Temporary Authorizations, Modifications, and Corrections to Medical Waste Registration No. 40294.