

RPS

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December 30, 2009

Ms. Celeste Brancel
Environmental Review Coordinator
Wildlife Division
Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
3000 IH-35 South, Suite 100
Austin, TX 78704

Re: Request for Threatened/Endangered Species Review
Municipal Solid Waste Registration Application
Terrabon, Inc. – Type V Facility
Brazos County, Texas

Dear Ms. Brancel:

RPS on behalf of Terrabon, Inc. (Terrabon) is in the process of preparing a registration application for a municipal solid waste (MSW) Type V facility associated with a proposed MSW to energy production facility. The application will be submitted to the Texas Commission on Environmental Quality (TCEQ) in the near future. Per TCEQ requirements, this letter of coordination is being submitted to request a review by Texas Parks and Wildlife Department (TPWD) of sensitive species and natural communities for the 10-acre site located in the City of Bryan, Brazos County, Texas.

To facilitate your review of the site, I have completed the Rare Resources Review Requests form found on your web site and provided several supporting attachments (e.g., location map, layout drawing, etc.) that describe the location of the facility and proposed operations.

If I may provide additional supporting information and/or documentation to assist in your review, please call me at (512) 347-7588.

Sincerely,

RPS



Kyle Shelton, P.E.
Attachments

cc: Gary Luce – Terrabon

All Project Review Requests (Including Threatened and Endangered Species)

Name: Kyle Shelton Date: 12/30/09
 Your Company: RPS Phone: (512) 347-7588
 Your Company Address: 404 Camp Craft Road Fax: (512) 347-8243
 City, State, Zip: Austin, TX 78746 E-mail: sheltonky@rpsgroup.com
 Project Title, Number and Site Location: Terrabon Transfer Station County(ies): Brazos

1. Scope of Project:

(a) What regulations will this review help you to comply with? OR, if not regulatory, why is the review being requested? Who is the project sponsor?
Letter of coordination [30 TAC 330.61(n)] (see Attachment 1) is required for an MSW transfer station

(b) What activities will be conducted at the site? (Especially activity types, extent, and acreage of ground, waterway, and vegetation disturbance and total acreage of site)?
Municipal solid waste (MSW) as a feedstock to produce energy. Site is 10 acres. Attachment 2 is a layout drawing.

(c) If this request is for a site investigation or risk assessment, why is the site being investigated? If applicable, what contaminant pathways are being evaluated?
Not applicable. This request is not being made for a site investigation or risk assessment.

(d) Schedule of activities – Approximately when will the project be active on the site?
The site is existing. Construction was approximately one year ago.

2. Vegetation: Species, dominant plants, structure and composition, vegetation layers, height of layers, natural vegetation community types.
Native grasses. Vegetation is disturbed.

3. Other Natural Resources/Physical Features:

(a) Soils, geology, watercourses, aquifers, flood zones, etc.
Soils consist of loams/fine sandy loams. Aquifers from 500-3000 feet bgs. Not in 100-year floodplain/watercourse.

(b) Habitat, animals, animal assemblages, other sensitive features, etc.
Site supports native grasses with no wetlands, sensitive habitats, or threatened or endangered wildlife species.

4. Existing Site Development: Extent of pavement, gravel, shell, or other cover; buildings, landscaped, xeriscaped, drainage system, etc.
Site has been developed. Attachment 2 is a layout drawing showing features.

5. Historic Use/Function of Site: Pasture, forest, urban, row crops, rangeland, wetland, etc. If the request is for a risk assessment, when was, or for how long, has the site been active? Are cultural resources present on the site or will the project cross or impact state lands?
Site has historically functioned as pasture land and has been developed for about a year.

6. Has a threatened and endangered species survey or assessment, wetland delineation, or other biological assessment already been performed? (In general, TPWD recommends an on-site habitat assessment be performed.) Yes No

(a) If yes, provide surveyor name, qualifications, methods or protocols, acreage surveyed, level of effort, weather conditions, time of day, and dates the survey was performed.

(b) If yes, please provide results and copy of survey/assessment report.

All Project Review Requests (Continued)
(Including Threatened and Endangered Species)

7. **Could current on-site or adjacent habitat support rare species?** Yes No
Specifically, explain why or why not.

Given the lack of significant habitat and surrounding land uses, rare species (e.g., Texas Horned Lizard, Houston Toad, Brazos Water Snake, etc.) are highly unlikely to be found at the site.

8. **Provide a brief description of potential negative direct and indirect impacts** from proposed project activities or former and current site activities, such as types of habitat and acreage to be degraded or lost, temporarily and permanently. Also, summarize cumulative effects that could be anticipated from the project.
- Construction has disturbed the ground and vegetation as well as temporarily produced dust and localized noise. No future significant direct impacts will result since construction is almost completed. Indirect impacts will consist of a slight increase in air emissions in the area as well as traffic (~0.08% increase) resulting from facility operations.**

9. **Provide a brief description of planned beneficial mitigation and enhancements** or restoration efforts. Be sure to note the avoidance, minimization, and compensatory mitigation measures planned to address the threat of negative impacts.

No significant mitigation/enhancement or restoration efforts are planned at this time.

10. **Include copies of coordination with other agencies** relevant to impacts or enhancements of natural resources for this project.

Not applicable. Only coordination with TPWD is being made for natural resources.

11. **Clearly delineate exact location of site and its boundaries** on original or photocopy of relevant portion of USGS 7.5' topographic quadrangle (most preferable) or best map available. Topographic map should show name of quadrangle. The map must contain identifiable features and a scale that allows us to accurately pinpoint your site and shows the site boundaries, if applicable for the project.

The location of the site is reflected on Attachment 3 (Site Location Map)

12. **Originals or color-copy photographs** of site and surrounding area with captions or narratives.

Photos are provided as Attachment 4 (Photographs).

13. **Aerial photographs with pertinent features labeled.** Aerials should show the year photograph was taken.

An aerial photograph is provided as Attachment 5 (Aerial Photograph).

Send completed form to:

**Texas Parks and Wildlife Department
Wildlife Division
Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, Texas 78744-3291
(512) 389-4571 (Phone)
(512) 389-4599 (Fax)**

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 552.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected.

All Project Review Requests
(Including Threatened and Endangered Species)
Review Service Details

Review requests should include all the information listed on the previous two pages and be sent to the address shown on the previous page. If you are sending in a separate document in lieu of filling out the form, it is not necessary to return the blank form. If you are sending in a filled out form, it is not necessary to include this last page. We will provide you a response based on the most current information available to Texas Parks and Wildlife Department regarding sensitive natural resources. Please expect a response to take on average 4 to 6 weeks from receipt, depending on the size of your request. The more pertinent information you provide, the more customized our review, and the faster our turnaround. Review requests submitted without adequate project detail may cause a delay in our response as we will need to contact you and wait for supplemental information. The potential for adverse impacts to natural resources from project activities varies based on the type of activity; location; season; vegetation; present physical features (both natural and man-made); degree of disturbance; planned avoidance, minimization, mitigation, enhancement, and restoration measures; species-specific tolerance levels; etc. Current color photographs and aerial photographs of the site greatly facilitate the review process. Complete information allows us to more accurately assess the potential for project impacts, as well as, assists us in narrowing the list of rare, threatened, and endangered species and other natural resources that may need to be addressed further.

This service includes an evaluation of your site-specific environmental assessment for impacts to general fish and wildlife and their habitats, such as wetlands, water bodies, and natural communities, and potential impacts to threatened, endangered, and other rare species and special features presently known or potentially occurring in the vicinity of your project. **If you need only state or county rare species lists for preliminary project planning, in lieu of submitting this form please contact our administrative staff at (512) 389-4571 or access the TPWD county list database at:**
http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/

Attachment 1

30 TAC 330.61(n)

(m) Floodplains and wetlands statement. The floodplains and wetlands statement must:

(1) provide data on floodplains in accordance with Chapter 301, Subchapter C of this title (relating to Approval of Levees and Other Improvements);

(2) include a wetlands determination under applicable federal, state, and local laws and discuss wetlands in accordance with §330.553 of this title (relating to Wetlands). For the purpose of this subsection, demonstration can be made by providing evidence that the facility has a Corps of Engineers permit for the use of any wetlands area; and

(3) identify wetlands located within the facility boundary.

(n) Endangered or threatened species.

(1) The owner or operator shall consider the impact of a solid waste disposal facility upon endangered or threatened species. The facility and the operation of the facility shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species.

(2) For landfill applications, the owner or operator shall submit Endangered Species Act compliance demonstrations as required under state and federal laws and determine whether the facility is in the range of endangered or threatened species. If the facility is located in the range of endangered or threatened species, the owner or operator shall have a biological assessment prepared by

a qualified biologist in accordance with standard procedures of the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department to determine the effect of the facility on the endangered or threatened species. Where a previous biological assessment has been made for another project in the general vicinity, a copy of that assessment may be submitted for evaluation. The United States Fish and Wildlife Service and the Texas Parks and Wildlife Department shall be contacted for locations and specific data relating to endangered and threatened species in Texas.

(o) Texas Historical Commission review. 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.

(p) Council of governments and local government review request. The owner or operator shall submit documentation that Parts I and II of the application were submitted for review to the applicable council of governments for compliance with regional solid waste plans. The owner or operator shall also submit documentation that a review letter was requested from any local governments as appropriate for compliance with local solid waste plans. A review letter is not a prerequisite to a final determination on a permit or registration application.

§330.63. Contents of Part III of the Application.

(a) Site development plan. This plan must include criteria that in the selection and design of a facility will provide for the safeguarding of the health, welfare, and physical property of the people and the environment through consideration of geology, soil conditions, drainage, land use, zoning,

Attachment 2

Layout Drawing

Attachment 3

USGS Map

Attachment 4

Site Photographs

Attachment 5

Aerial Photograph