

Chair, Higher Education Subcommittee
Vice Chair, Finance
Legislative Budget Board



Committees
Administration
Education
Health and Human Services

TRACKING #: 15878
ASSIGNED TO: GR

Judith Zaffirini
State Senator, District 21
President Pro Tempore, 1997

FEB 28 2008

MSW
55523

OPA

MAR 06 2008

DUE DATE: 3-6-08

February 21, 2008

FEB 27 2008

BY: DM

Glenn Shankle, Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

MSW 783

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR -4 PM 3:09
CHIEF CLERKS OFFICE

Dear Mr. Shankle:

Thank you for your leadership in protecting the environment and promoting safe and sustainable economic development throughout our state. This is to request that Zapata County's application for an expansion permit for the San Ygnacio landfill be considered at the Texas Commission on Environmental Quality (TCEQ) public meeting on February 27, as originally scheduled.

The deliberation of this permit was re-scheduled due to a possible meeting error that was not the fault of the applicant, Zapata County. The mistake, if any, does not warrant the county's having to begin the application process anew, especially because doing so would penalize it for a problem caused by someone else. What's more, any delay in granting this permit will result in significant financial difficulties for the county, as they will be prohibited from legally utilizing the only landfill in the area.

Feel free to contact me or my staff for any additional information or support. May God bless you.

Very truly yours,

Judith Zaffirini

JZ/cat

MSW

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAR -4 PM 3:09

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

March 4, 2008

The Honorable Judith Zaffirini
Texas Senate
P.O. Box 12068
Austin, Texas 78711-2068

MSW
60781

RE: Application by Zapata County for an amendment to TCEQ MSW Permit No. 783

Dear Senator Zaffirini:

I'm writing in response to your letter of February 21, 2008, regarding the amendment application submitted by Zapata County regarding the San Ygnacio landfill.

I am aware of the County's need to expand the landfill as soon as possible and do not wish to cause any unnecessary delay in the permit amendment process. In fact, in requesting that the application be remanded for reissuance of notice at this point in the process, it was my intent to prevent the application from being sent back for reissuance of notice later in the process which would cause greater delay.

My staff provided Zapata County with language for the Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit Amendment (NORI) and the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit (NAPD). These notices are the mechanism for informing the public about the nature of the applicant's request. In this case, the notices were not only inconsistent with each other, but incomplete. I recognize that this is not due to any error by Zapata County; however, the fact remains that without proper notice, the application cannot legally move forward.

If the case is heard at the State Office of Administrative Hearings or appealed to the District Court, whether the notices substantially complied with the rules would be in the discretion of the judge. There is a significant possibility that a judge would find that the notices were insufficient because they did not accurately inform the public of the nature of the amendment requested. Based upon this possibility, I decided to request the remand and reissue the notice at this point rather than having it sent back later by the judge, which would result in a much greater delay in the process.

MSW

The Honorable Judith Zaffirini

Page 2

I am cognizant of the fact that any delay in the processing of the County's permit amendment application caused by this remand is not due to an error by the County and should therefore not act to its detriment in dealings with the TCEQ. I will take this fact into account if there are any decisions to be made.

I hope this information is helpful. If you need additional information, please contact me at (512) 239-3900, or Guy Henry of our Environmental Law Division at (512) 239-0600.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Shankle", written in a cursive style.

Glenn Shankle, Executive Director
Texas Commission on Environmental Quality

cc: Guy Henry, Office of Legal Services, MC 175