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Carlos Rubinstein, *Commissioner*
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Blas J. Coy, Jr., *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 4, 2013

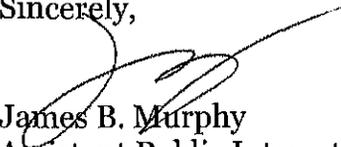
Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

Re: **CCAA, LCC**
TCEQ DOCKET NO. 2012-2222-MSW

Dear Ms. Bohac:

Enclosed for filing is the Office of Public Interest Counsel's Response to Request for Hearing and Requests for Reconsideration in the above-entitled matter.

Sincerely,


James B. Murphy
Assistant Public Interest Counsel

cc: Mailing List

TCEQ DOCKET NO. 2012-2222-MSW

**IN THE MATTER OF THE
APPLICATION OF CCAA, LLC
FOR MUNICIPAL SOLID WASTE
PERMIT NO. 2376**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO
REQUEST FOR HEARING AND REQUESTS FOR RECONSIDERATION**

To the Honorable Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Request for Hearing and Requests for Reconsideration in the above-referenced matter and respectfully shows the following.

I. Introduction

A. Background of Facility

CCAA, LLC (Applicant) has applied to the TCEQ for a permit authorizing construction and operation of a new Type IV municipal solid waste landfill located in the extraterritorial jurisdiction of the City of College Station, approximately 1,300 feet northwest of the intersection of Stewarts Meadow Road and FM 60 in Brazos County. If approved, the total permitted facility will include 42.2 acres of land with approximately 31.88 acres used for waste disposal. The final elevation of the waste fill final cover material will be 399 feet above mean sea level, or approximately 111 feet above general grade. The draft permit authorizes an initial acceptance rate of approximately 200 tons per day composed of brush, construction or demolition waste, rubbish, inert material, Class 3 non-hazardous industrial solid waste, non-regulated asbestos-containing

materials, and, in certain instances, Class 2 non-hazardous industrial solid waste. The proposed facility will contain a gatehouse, scales, perimeter drainage ditches, 6 groundwater monitoring wells, 10 gas monitoring probes, and a compacted clay liner.

B. Procedural Background

TCEQ received this application on June 3, 2011. On June 15, 2011, the TCEQ Executive Director (ED) declared the application administratively complete. The TCEQ Office of Chief Clerk (OCC) mailed the Notice of Receipt of Application and Intent to Obtain a New Municipal Solid Waste Permit (NORI) on June 21, 2011 and June 28, 2011.¹ According to affidavits of publication filed July 22, 2011, Applicant published the NORI on July 8, 2011 in the *Bryan Eagle* and in Spanish in *La Voz Hispana*.

The ED declared the application technically complete on April 2, 2012. The OCC mailed the Notice of Application and Preliminary Decision for Municipal Solid Waste Permit (NAPD) on May 1, 2012. According to affidavits of publication filed May 18, 2012 and July 5, 2012, Applicant published the NAPD on May 11, 2012 in the *Bryan Eagle* and in Spanish in *La Voz Hispana*.

In response to a request from Texas House Representative John Raney, District 14, TCEQ published notice of a public meeting on June 27, July 3, and July 10, 2012 in the *Bryan Eagle*. TCEQ conducted a public meeting in the City of Bryan on July 19, 2012. The public comment period ended on July 19, 2012 at the conclusion of the public meeting. On September 19, 2012, the ED filed his decision and Response to Public Comment, which the OCC mailed on September 24, 2012. The deadline to

¹ TCEQ issued a revised NORI to correct Applicant's mailing address.

request reconsideration of the ED's decision and a contested case hearing was October 24, 2012.

TCEQ received a request for reconsideration of the ED's decision and a request for a contested case hearing from the Concerned Citizens for Safety, Health and Justice of Precinct 4, Brazos County, Texas (CCSHJ) on October 24, 2012. TCEQ received requests for reconsideration from Robert Marshall on September 13, 2012, Al W. Lister on October 18, 2012, and Beverly Young on October 24, 2012. OPIC recommends granting the hearing request submitted by CCSHJ and denying the requests for reconsideration.

II. Applicable Law

A person may request the Commission reconsider the ED's decision or hold a contested case hearing on an application declared administratively complete after September 1, 1999 pursuant to the requirements of House Bill 801, Act of May 30, 1999, 76th Legislature, Regular Session, Section 5 (codified at Title 2, Texas Water Code (TWC), Section 5.556). Any person may file a request for reconsideration of the ED's decision. Title 30, Texas Administrative Code (TAC), Section 55.201(e). The reconsideration request must substantially comply with the following: give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request; state expressly that the person is requesting reconsideration of the ED's decision; and give reasons why the decision should be reconsidered. 30 TAC 55.201(e).

Under the applicable statutory and regulatory requirements, a hearing request must substantially comply with the following: give the name, address, daytime

telephone number, and, where possible, fax number of the person who files the request; identify the requestor's personal justiciable interest affected by the application showing why the requestor is an "affected person" who may be adversely affected by the proposed facility or activity in a manner not common to members of the general public; request a contested case hearing; list all relevant and material disputed issues of fact that were raised during the comment period that are the basis of the hearing request; and provide any other information specified in the public notice of the application.

30 TAC 55.201(d).

An "affected person" is "one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application."

30 TAC 55.203(a). This justiciable interest does not include an interest common to the general public. 30 TAC 55.203(a). Governmental entities with authority under state law over issues contemplated by the application may be considered affected persons.

30 TAC 55.203(b). Relevant factors considered in determining whether a person is affected include:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC 55.203(c).

A group or association may request a contested case hearing if:

- (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
- (2) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

30 TAC 55.205(a). The ED, OPIC, or applicant may request the group or association provide an explanation of how the group or association meets these requirements.

30 TAC 55.205(b).

The Commission shall grant an affected person's timely filed hearing request if (1) the request is made pursuant to a right to hearing authorized by law, and (2) the request raises disputed issues of fact that were raised during the comment period and that are relevant and material to the Commission's decision on the application. 30 TAC 55.211(c).

Accordingly, responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) which issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or of law;
- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the Chief Clerk prior to the filing of the Executive Director's Response to Comment;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.

30 TAC 55.209(e).

III. Discussion

A. Request for Contested Case Hearing

CCSHJ timely filed a request for a contested case hearing. The deadline to request a hearing was October 24, 2012, which is the day CCSHJ filed its request. For the reasons discussed below, OPIC concludes the Commission should grant the hearing request.

1. Determination of Affected Person Status

According to the hearing request, CCSHJ is a coalition of impacted residents, families, and homeowners located in the Brushy Community, the Oak Hills Subdivision, and the Franklin Estates Subdivision, which are all adjacent to or in close proximity to the proposed facility. Members of the group live between a few hundred feet to 2 miles from the proposed facility. The request includes an attachment with 130 names and addresses of members of CCSHJ. The interests of CCSHJ are to protect the health, safety, proper land use, and environmental justice of the citizens adversely affected and impacted by approval of Permit No. 2376. The explicit purpose of CCSHJ is to stop the construction and operation of the facility.

The hearing request includes five main concerns related to the application and draft permit. First, the request lists technical and health issues, including concerns about airborne particulate matter from transport, storage, and disposal of waste. CCSHJ states that the watering requirements for roads in the draft permit are inadequate to contain particulate matter originating from the landfill disposal areas. CCSHJ is also concerned about the inadequacy of remediation plan requirements. The request includes data showing that Brazos County has the highest incidence of asthma per capita

of any county along the Brazos River and that particulate matter in the College Station area already approaches twice the national average. CCSHJ is especially concerned about adverse health effects from airborne amorphous or crystalline silica in the construction debris.

The request also raises concerns about the location of the facility in relation to the 100-year floodplain and a tributary to Brushy Creek. CCSHJ points out that the Federal Emergency Management Agency (FEMA) issued a new Flood Insurance Rate Map (FIRM) in May 2012, whereas the application is based on an older FIRM and a floodplain study estimating base flood elevations. CCSHJ is concerned the facility overlaps with or comes within an unsafe distance of the 100-year floodplain.

In addition, the request argues the proposed side slope, height, and liner of the landfill will cause surface water and groundwater contamination. CCSHJ states that the permit should prohibit acceptance of fencing or lumber treated with chromated copper arsenate, because the surrounding areas are already exposed to high levels of arsenic. CCSHJ questions the adequacy of the clay liner and its longevity due to the composition of the soils in the area and argues for more frequent groundwater monitoring. The request raises concerns about the side slope and storm water runoff. Based on calculations performed by two licensed professional engineers, CCSHJ argues the acreage and height of the facility produces a slope grade of approximately 14%, which is significantly higher than the maximum 1%–5% suggested in TCEQ guidelines. CCSHJ argues that the slope will lead to erosion during the landfill's operation, causing storm water to transport to more permeable soils around the facility. CCSHJ also states that precipitation exceeds evaporation in the area and the proposed storm water controls are insufficient to protect surface water and groundwater quality. CCSHJ points to a listing

of 35 domestic water wells within one mile of the proposed facility that could be affected.

Second, CCSHJ raises issues about transportation, access, and safety. CCSHJ argues the proposed facility will cause increased traffic along FM 60, which is already extremely busy. CCSHJ is concerned facility-related traffic will cause increased traffic accidents, broken windshields, and tire punctures. CCSHJ points out that the primary access road to the facility, Old Jones Road, is the only access to the streets and residents of the Brushy Community. CCSHJ expresses similar concerns for residents on McAllester Road and Stewarts Meadow Road near the facility.

Third, CCSHJ raises issues about land use compatibility. CCSHJ argues the facility is incompatible because it is located near residential areas, within two miles of both the City of College Station and the City of Bryan, and within College Station's extraterritorial jurisdiction. Current development trends within five miles of the proposed facility include multiple residential subdivisions, schools, churches, restaurants, commercial shopping, and the Biomedical Corridor of Texas A&M University. Of particular significance, CCSHJ expresses concerns about the close proximity of the proposed facility to the historic minority Brushy Community, which has lived in the area for nearly 150 years and is between one-quarter and one-half mile from the facility. CCSHJ argues the location of the facility near the Brushy Community violates environmental justice principles and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

Fourth, CCSHJ raises issues about public notice. CCSHJ states that thirteen residents of the Brushy Community claim they did not receive mailed notice, some of whom live within one-quarter mile of the facility and should have received it. CCSHJ

includes an affidavit from a member of the coalition detailing how the Applicant's owner misled him to believe the facility would be at ground level. The request also includes pictures showing the location of the public notice signs posted at the facility property line and claims the signs were placed out of public view at the rear of the property behind trees and debris from the current recycling operation on site.

Fifth, CCSHJ raises the issue of non-conformance with the regional solid waste management plan. The request refers to the unanimous decision of the Solid Waste Advisory Committee (SWAC) of the Brazos Valley Council of Governments (BVCOG) on January 20, 2012 finding that the proposed facility is in non-conformance with the BVCOG Regional Solid Waste Management Plan. The SWAC determined the facility is in non-conformance with Objective 2B ("encourages the maintenance of appropriate buffers and setbacks from sensitive land uses for new and expanded MSW facilities") and Objective 2C ("encourages minimizing the negative visual impacts of solid waste disposal, handling, and management facilities for new and expanded NSW facilities"), and recommends the permit not be granted until these deficiencies are corrected. CCSHJ disputes the ED's conclusion that negative visual impacts will not occur, arguing that a 111-foot high landfill only 1,300 feet from FM 60 creates a negative visual impact regardless of screening methods at the deposited waste areas. In support, the request refers to problems with negative visual impacts, blown debris, and dust from the current recycling operation on site. CCSHJ also states that individual council members of the City of College Station have expressed their opposition to the proposed facility to members of CCSHJ.

OPIC concludes CCSHJ meets the requirements of 30 TAC 55.205(a) and may request a contested case hearing. CCSHJ's membership is comprised of property owners
The Office of Public Interest Counsel's Response to Request for Hearing and Requests for Reconsideration

residing a few hundred feet to two miles from the proposed facility. Based on the location of these members in relation to the proposed facility, one or more members of the group or association would have standing to request a hearing in their own right under 30 TAC 55.205(a)(1). For example, the first member on the list attached to the hearing request is Jesse Galran at 7540 Old Jones Road, College Station 77845, which is approximately 0.6 miles from the proposed facility. CCSHJ seeks to protect the health, safety, proper land use, and environmental justice of the citizens adversely affected by the proposed landfill. The group's purpose is to stop the construction and operation of the proposed landfill. Thus, the interests CCSHJ seeks to protect are germane to the organization's purpose under 30 TAC 55.205(a)(2). CCSHJ's request for the Commission to deny the application does not require the participation of any individual members of CCSHJ under 30 TAC 55.205(a)(3).

Based on the factors in 30 TAC 55.203(c), OPIC concludes CCSHJ is an affected person. CCSHJ raises issues that are protected by the Solid Waste Disposal Act, Title 5, Texas Health and Safety Code (THSC), Chapter 361 and the TCEQ's municipal solid waste rules at 30 TAC Chapter 330. The close proximity of property owned by the members of the association and the proposed landfill makes it likely the regulated activity could impact the health and safety of CCSHJ's members and surrounding natural resources. There are no distance limitations for affected persons in the law applicable to this application. Accordingly, CCSHJ is an affected person.

2. Issues Raised in the Hearing Request

The following issues have been raised in the hearing requests:

- (1) Whether air emissions from the proposed facility will cause or contribute to a condition of air pollution;
- (2) Whether the draft permit's closure and post-closure requirements are sufficient to safeguard human health, welfare, and physical property and protect the environment;
- (3) Whether the proposed facility is located in a 100-year floodplain;
- (4) Whether the proposed facility will cause or contribute to adverse effects on surface water quality;
- (5) Whether the proposed facility will cause or contribute to adverse effects on groundwater quality;
- (6) Whether the proposed facility's liner is adequate to safeguard human health, welfare, and physical property and protect the environment;
- (7) Whether storm water from the proposed facility will cause or contribute to adverse effects on water quality;
- (8) Whether the proposed facility will cause or contribute to adverse traffic conditions on site access roads;
- (9) Whether the proposed facility is compatible with land use in the surrounding area;
- (10) Whether the proposed facility violates environmental justice principles or the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution;
- (11) Whether Applicant provided public notice in accordance with statutory and rule requirements;
- (12) Whether the proposed facility conforms to the regional solid waste management plan;
- (13) Whether the proposed facility will cause adverse visual impacts.

3. Issues Raised in the Comment Period

All of the issues raised in the hearing request were raised in the comment period and have not been withdrawn. 30 TAC 55.201(c) and (d)(4), 55.211(c)(2)(A).

4. Disputed Issues

There is no agreement between the hearing requesters and the ED on the issues raised in the hearing requests.

5. Issues of Fact

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable

requirements. 30 TAC 55.211(c)(2)(A). All of the issues presented are issues of fact appropriate for referral to the State Office of Administrative Hearings (SOAH). The issue of environmental justice is a mixed question of law and fact. There is a threshold issue of what law controls with respect to environmental justice claims, discussed below in Section III.A.6. However, the question of whether the Brushy Community will be adversely affected by the proposed facility in violation of environmental justice principles is a fact question. Accordingly, it is appropriate for referral to SOAH.

6. Relevant and Material Issues

The hearing requests raise issues relevant and material to the Commission's decision under the requirements of 30 TAC 55.201(d)(4) and 55.211(c)(2)(A). In order to refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny this permit. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248–51 (1986) (in discussing the standards applicable to reviewing motions for summary judgment the Court stated “[a]s to materiality, the substantive law will identify which facts are material . . . it is the substantive law's identification of which facts are critical and which facts are irrelevant that governs”). Relevant and material issues are those governed by the substantive law under which this permit is to be issued. 477 U.S. at 248–51.

Texas Health and Safety Code (THSC) 361.002(a) expresses the policy and purpose of the Solid Waste Disposal Act, which is to “safeguard the health, welfare, and physical property of the people and to protect the environment by controlling the management of solid waste, including accounting for hazardous waste that is generated.” TCEQ rules prohibit solid waste facilities from creating or maintaining a

nuisance or endangering human health or welfare or the environment. 30 TAC 330.15(a). TCEQ must consider “water pollution control and water quality aspects and air pollution control and ambient air quality aspects” when evaluating applications for municipal solid waste permits. THSC 361.011(d). The Commission “may, for good cause, deny or amend a permit it issues or has authority to issue for reasons pertaining to public health, air or water pollution, or land use, or for having a compliance history that is classified as unsatisfactory” THSC 361.089(a).

The technical and health issues raised by CCSHJ are relevant and material to the Commission’s decision on this application. TCEQ municipal solid waste rules prohibit air emissions from causing or contributing to a condition of air pollution as defined in the Texas Clean Air Act, and provide specific measures to control odor. 30 TAC 330.245. The Texas Clean Air Act defines the term “air pollution” as “the presence in the atmosphere of one or more air contaminants or combination of air contaminants in such concentration and such duration that (A) are or may tend to injurious to or to adversely affect human health or welfare, animal life, vegetation, or property; or (B) interfere with the normal use of enjoyment of animal life, vegetation, or property.” THSC 382.003(3).

TCEQ requires closure and post-closure measures for landfill sites in 30 TAC 330.453 and 330.463. Landfills are prohibited in the 100-year floodplain and must properly screen the facility from the floodplain under 30 TAC 330.307 and 330.547. Surface water must be protected and properly drained under 30 TAC 330.303 and 330.305. Groundwater quality must be protected and monitored under 30 TAC 330.417. Liners must meet certain operational standards under 30 TAC 330.331, 330.335, 330.337, 330.339, and 330.341. Therefore, all of the technical and health issues raised in the hearing request are relevant and material.

Land use compatibility issues are relevant and material under 30 TAC 330.61(g) and (h). Environmental justice issues are relevant and material under Title VI of the Civil Rights Act of 1964 and President Clinton's Executive Order 12,898 entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Title VI of the Civil Rights Act of 1964 provides: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title 42, United States Code, Section 2000d. Because TCEQ's municipal solid waste program receives federal financial assistance, TCEQ is governed by this requirement and the issue is relevant and material. Furthermore, adverse effects on the Brushy Community are a component of the land use compatibility determination under 30 TAC 330.61(g), which provides:

A primary concern is that the use of any land for a municipal solid waste facility not adversely impact human health or the environment. The owner or operator shall provide information regarding the likely impacts of the facility on cities, communities, groups of property owners, or individuals by analyzing the compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest.

Environmental justice and discrimination issues are encompassed by the "likely impact of the facility on . . . communities" and the "other factors associated with the public interest" provisions listed in 30 TAC 330.61(g).

The transportation, access, and safety issues raised by CSHJ are relevant and material under 30 TAC 330.61(i) and 330.153. The adequacy of public notice is a relevant and material issue under 30 TAC 39.501, 330.57(i), and 330.59. Conformance with the regional solid waste management plan is relevant and material under 30 TAC

330.61(p) and 330.641. Adverse visual impact issues are relevant and material under 30 TAC 330.139 and 330.175. Accordingly, all the issues raised by CSHJ are relevant and material to the Commission's decision on this application.

7. Issues Recommended for Referral

OPIC recommends that the following disputed issues of fact be referred to SOAH for a contested case hearing:

- (1) Whether air emissions from the proposed facility will cause or contribute to a condition of air pollution;
- (2) Whether the draft permit's closure and post-closure requirements are sufficient to safeguard human health, welfare, and physical property and protect the environment;
- (3) Whether the proposed facility is located in a 100-year floodplain;
- (4) Whether the proposed facility will cause or contribute to adverse effects on surface water quality;
- (5) Whether the proposed facility will cause or contribute to adverse effects on groundwater quality;
- (6) Whether the proposed facility's liner is adequate to safeguard human health, welfare, and physical property and protect the environment;
- (7) Whether storm water from the proposed facility will cause or contribute to adverse effects on water quality;
- (8) Whether the proposed facility will cause or contribute to adverse traffic conditions on site access roads;
- (9) Whether the proposed facility is compatible with land use in the surrounding area;
- (10) Whether the proposed facility violates environmental justice principles or the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution;
- (11) Whether Applicant provided public notice in accordance with statutory and rule requirements;
- (12) Whether the proposed facility conforms to the regional solid waste management plan;
- (13) Whether the proposed facility will cause adverse visual impacts.

8. Maximum Expected Duration of Hearing

Commission Rule 30 TAC 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that no hearing shall be longer than one year from the first day of the preliminary hearing to the date the proposal for decision is issued. To assist the Commission in stating a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC 55.209(d)(7), OPIC estimates that the maximum expected duration of a hearing on this application would be nine months from the first date of the preliminary hearing until the proposal for decision is issued.

B. Requests for Reconsideration

OPIC recommends the Commission deny the requests for reconsideration. TCEQ received timely requests from Robert Marshall on September 13, 2012, Al W. Lister on October 18, 2012, Beverly Young on October 24, 2012, and CCSHJ on October 24, 2012. CCSHJ's request for reconsideration is based on the same information as the hearing request, and the other reconsideration requests raise similar issues. Although the requests provide factual information supporting denial of the application or modification of the draft permit, OPIC cannot support denial or modification without further development of the factual record. In lieu of reconsideration, OPIC recommends the Commission refer the relevant and material issues raised by the CCSHJ for a contested case hearing, as discussed above. OPIC notes that Mr. Marshall is listed as a member of CCSHJ and will have an opportunity to participate through his membership in any potential contested case hearing granted pursuant to CCSHJ's hearing request. Furthermore, any person may attend the contested case hearing and request to be

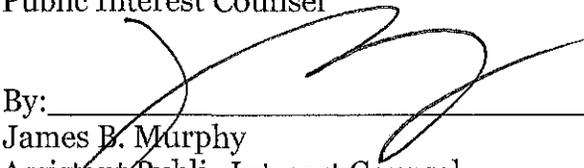
named a party to the proceeding if they qualify as an "affected person" under the factors listed in 30 TAC 55.203(c), 30 TAC 80.109(a) and (b)(5).

IV. Conclusion

OPIC recommends granting the hearing request from the CCSHJ on the issues referenced in Section III.A.7 above. OPIC recommends denying the requests for reconsideration. OPIC further recommends a hearing duration of nine months.

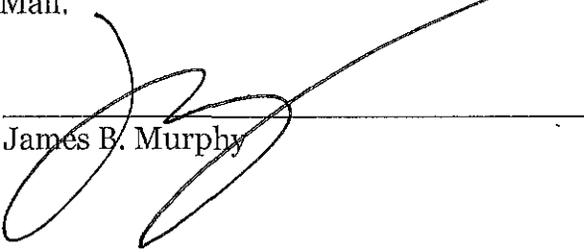
Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2013 the original and seven true and correct copies of the Office of Public Interest Counsel's Response to Requests for Hearing was filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.


James B. Murphy

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