

Bryan W. Shaw, Ph.D, *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

December 19, 2012

**TO: Persons on the Attached Mailing List**

**RE: Docket No. 2012-2222-MSW  
CCAA, LLC  
Request(s) filed on Permit No. 2376**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **January 30, 2013**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the commission's offices located at 12100 Park 35 Circle in Austin, Texas.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **January 4, 2013**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **January 18, 2013**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, and other requesters and the applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Office of Alternative Dispute Resolution to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Bridget C. Bohac". The signature is written in a cursive, flowing style.

Bridget C. Bohac  
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

## **ATTACHMENT**

### **Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing**

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

#### **Requests for Reconsideration**

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

#### **Requests for Contested Case Hearing**

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) if the request is made by a group or association, identify one or more members who have standing to request a hearing, and the interests the group or association seeks to protect;
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised during the comment period and not withdrawn prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Office may contact requesters to determine their interest in informal discussions with the permit applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

**MAILING LIST**  
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**DOCKET NO. 2012-2222-MSW; PERMIT NO. 2376**

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FOR ALTERNATIVE DISPUTE  
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JUSTICE  
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TRACY COLE  
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800 MARION PUGH DR  
COLLEGE STATION TX 77840-2746

CLAUDE & GRIZELDA MARTINEZ  
5310 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-8053

SAFIA NAQI  
9688 RIVER RD  
COLLEGE STATION TX 77845-6706

ANNIE MASON  
10170 WHITES CREEK RD  
COLLEGE STATION TX 77845-6117

JOYCE ELLIS NEWTON  
PO BOX 1563  
BRYAN TX 77806-1563

NANCY MASON  
10200 WHITES CREEK RD  
COLLEGE STATION TX 77845-6125

JOSEPH P NORTHROP  
9851 WHITES CREEK RD  
COLLEGE STATION TX 77845-6132

MS CANDILYN MCLEAN  
BRAZOS VALLEY COUNCIL OF GOVERNMENTS  
PO BOX 4128  
BRYAN TX 77805-4128

CARL OLSON  
9893 RUNAWAY RD  
COLLEGE STATION TX 77845-6775

EUGENIA MCMULLAN  
9395 DEW RD  
COLLEGE STATION TX 77845-6753

SUSAN OLSON  
9893 RUNAWAY RD  
COLLEGE STATION TX 77845-6775

CHARLES J OPERSTENY  
7575 LEONARD RD  
BRYAN TX 77807-9527

JIMMY & MARY PLETZER  
8458 SMITH LN  
COLLEGE STATION TX 77845-7544

RICKY PALASOTA  
PO BOX 985  
BRYAN TX 77806-0985

HELENA PRESTON  
6721 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-7567

BOB & SUE ANN PALMORE  
11360 BOXLEY BND  
COLLEGE STATION TX 77845-6762

AARON & PATRICIA PRICE  
8330 MCALLESTER LN  
COLLEGE STATION TX 77845-8515

CARL PARISH  
3302 DALLIS DR  
COLLEGE STATION TX 77845-5921

JOHN RANEY  
416 BROOKSIDE DR E  
BRYAN TX 77801-3701

CEDRIC PAYTON  
7490 OLD JONES RD  
COLLEGE STATION TX 77845-7576

SILVIA REVILLA  
4360 COUNTY ROAD 333  
CALDWELL TX 77836-7277

MARY PAYTON  
7490 OLD JONES RD  
COLLEGE STATION TX 77845-7576

EDWARD C RHODES  
4414 CRAYKE PL  
COLLEGE STATION TX 77845-4838

DEBORAH PEDERSEN  
9470 LIGHTSEY LN  
COLLEGE STATION TX 77845-6704

MATT RICE  
5870 PIPER LN  
COLLEGE STATION TX 77845-8083

WILLIAM PEELER  
6380 BARNWOOD DR  
COLLEGE STATION TX 77845-3409

CHAKYA ROBERTSON  
2301 SOUTHSIDE DR  
BRYAN TX 77803-0527

DEBORAH PETERSON  
9022 CLAN VLG  
COLLEGE STATION TX 77845-9093

KIMBERLY I ROESE  
8027 PERRY LN  
COLLEGE STATION TX 77845-8078

DEBORAH PETERSON  
9010 CLAN VLG  
COLLEGE STATION TX 77845-9093

CORA ROGERS  
7472 OLD JONES RD  
COLLEGE STATION TX 77845-7576

KELVIN PIPKIN  
8728 TYREE  
COLLEGE STATION TX 77845-7585

JA'COREY ROGERS  
8735 TYREE  
COLLEGE STATION TX 77845-7586

LUCRETIA ROGERS  
8735 TYREE  
COLLEGE STATION TX 77845-7586

WILLIAM SHEFFIELD  
10501 DOGWOOD TRL  
COLLEGE STATION TX 77845-6745

TONY ROGERS, III  
8735 TYREE  
COLLEGE STATION TX 77845-7586

DAVID & DELOISE SIMPSON  
8801 SMITH LN  
COLLEGE STATION TX 77845-7553

SHIRLENE ROSS  
9925 WHITES CREEK RD  
COLLEGE STATION TX 77845-6130

FRANK SIMPSON  
PO BOX 9960  
COLLEGE STATION TX 77842-7960

CEDRIC ROUSE  
7362 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-9061

RUBY L SIMPSON  
8793 SMITH LN  
COLLEGE STATION TX 77845-7551

BROOKE ROWAN  
9349 LIGHTSEY LN  
COLLEGE STATION TX 77845-6703

SIDNEY SIMPSON  
6360 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-7560

LORNA ROWAN  
9273 LIGHTSEY LN  
COLLEGE STATION TX 77845-6701

L SMITH  
1113 GROESBECK ST  
BRYAN TX 77803-3821

ROSEMARY SANDERS  
9455 KEMP RD  
COLLEGE STATION TX 77845-4994

KARA SOCOL  
300 HENSEL AVE  
BRYAN TX 77801-4557

ALBERT SCHAFFER  
10055 RUNAWAY RD NO 60  
COLLEGE STATION TX 77845-6777

ED & ELLEN SOLYMOSY  
10150 DOGWOOD TRL  
COLLEGE STATION TX 77845-6740

ZOHREH SCHUESSLER  
10292 RIVER RD  
COLLEGE STATION TX 77845-6714

WILBON SPIVEY, IV  
1107 SOUTHWEST PKWY  
COLLEGE STATION TX 77840-4848

ALFRED SCOTT  
7449 OLD JONES RD  
COLLEGE STATION TX 77845-7577

JAMES SPRIGGS  
7097 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-9064

CLARA SCOTT  
8706 DOTT  
COLLEGE STATION TX 77845-7591

MARILYN SPRIGGS  
7097 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-9064



DAVID STASNY  
7932 DRUMMER CIR  
COLLEGE STATION TX 77845-8087

LESLIE TERRELL  
5597 LISTER LN  
COLLEGE STATION TX 77845-6789

JEVALEN STOVALL  
8735 TYREE  
COLLEGE STATION TX 77845-7586

MS CASSANDRA THORNTON  
8551 MCALLESTER LN  
COLLEGE STATION TX 77845-8527

JANE STOWELL  
9159 LIGHTSEY LN  
COLLEGE STATION TX 77845-9098

DOUGLAS THORNTON  
117 KARTEN LN  
COLLEGE STATION TX 77845-3958

JESSE SUROVIK  
6030 J C LONG DR  
BRYAN TX 77807-5449

ANN TORBETT  
8593 SMITH LN  
COLLEGE STATION TX 77845-7549

CHARLES TAYLOR, JR  
8531 FOSTER LN  
COLLEGE STATION TX 77845-9003

CEDRICK WADE, II  
8735 TYREE  
COLLEGE STATION TX 77845-7586

CHARLES TAYLOR  
8531 FOSTER LN  
COLLEGE STATION TX 77845-9003

DUSTIN WADE  
3601 VIENNA DR  
COLLEGE STATION TX 77845-4771

CHERYL TAYLOR  
5420 WALNUT GROVE DR  
AUSTIN TX 78744-4612

JAIDAH WADE  
8735 TYREE  
COLLEGE STATION TX 77845-7586

DAVID & DORIS TAYLOR  
906 HENDERSON ST  
BRYAN TX 77803-6825

JAMESHIA WADE  
8735 TYREE  
COLLEGE STATION TX 77845-7586

DORIS TAYLOR  
906 HENDERSON ST  
BRYAN TX 77803-6825

RAY C WADE, JR  
8735 TYREE  
COLLEGE STATION TX 77845-7586

MARY FRANCE TAYLOR  
8912 VINCENT RD  
COLLEGE STATION TX 77845-9053

ROBERT WALKER  
4601 BLUEJAY LN  
BRYAN TX 77803-0459

KATHY TEEL  
9724 RIVER RD  
COLLEGE STATION TX 77845-6708

DAVID S WALKUP  
1211 NORFOLK CT  
COLLEGE STATION TX 77845-8633

JAMY WARD  
8764 VINCENT RD  
COLLEGE STATION TX 77845-9045

DEAN WILE  
8622 SMITH LN  
COLLEGE STATION TX 77845-4997

WILLIE WASHINGTON  
8751 RICKEY  
COLLEGE STATION TX 77845-7594

OZELL WILEY  
7047 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-9064

ANDREW WEICHERT  
6267 LOS ROBLES DR  
COLLEGE STATION TX 77845-6103

LAMBERT & STELLA WILKES  
9552 RIVER RD  
COLLEGE STATION TX 77845-6764

VICKI WEIR  
5650 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-8057

ETTA R WILLIAMS  
8890 VINCENT RD  
COLLEGE STATION TX 77845-9047

JIM G WELCH  
9845 DOGWOOD TRL  
COLLEGE STATION TX 77845-6739

ETTA RUTH WILLIAMS  
8990 VINCENT RD  
COLLEGE STATION TX 77845-9053

L SCOTT WELCH  
4856 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-8014

MARTHA A WILLIAMS  
8693 JONES RD  
COLLEGE STATION TX 77845-8072

SYLVIA WELCH  
4856 RAYMOND STOTZER PKWY  
COLLEGE STATION TX 77845-8014

BENNIE WILSON, JR  
8150 JONES RD  
COLLEGE STATION TX 77845-8067

KATY WENDLER  
6371 BARNWOOD DR  
COLLEGE STATION TX 77845-9501

HUGH WILSON  
10642 DOGWOOD TRL  
COLLEGE STATION TX 77845-6746

WALT WENDLER  
6371 BARNWOOD DR  
COLLEGE STATION TX 77845-9501

ROSLYN WILSON  
3809 ELAINE DR  
BRYAN TX 77808-1326

CLAUDE WHITE  
10415 RIVER RD  
COLLEGE STATION TX 77845-6719

TOM WINSHIP  
7601 JONES RD  
COLLEGE STATION TX 77845-8064

MATTHEW WIESE  
801 CRENSHAW ST  
BRYAN TX 77803-4968

ARLENE B WOOD  
9500 DEW RD  
COLLEGE STATION TX 77845-6754

RANDALL WOOD  
9500 DEW RD  
COLLEGE STATION TX 77845-6754

DONNA ZATOPEK  
2101 PANTERA DR  
BRYAN TX 77807-2604