

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

November 7, 2011

Les Trobman,  
General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin Texas 78711-3087

VIA FACSIMILE 239-5533

**Re: SOAH Docket No. 582-10-2069; TCEQ Docket No. 2009-2058-MSW; In Re:  
In the Matter of the Application of Republic Waste Services of Texas, LTD.,  
For a Municipal Solid Waste Permit No. MSW-2356**

Dear Mr. Trobman:

I have reviewed the exceptions and response to exceptions to my Proposal for Decision and Proposed Order, and I recommend no changes except that Item 1 on page 34 of the Proposed Order be deleted and replaced with the following:

1. The attached Type V Municipal Solid Waste Permit No. MSW-2356 is granted to Republic Waste Services of Texas, Ltd., with the following changes:
  - A. Part No. 1, Section II.D. should read as follows:

Authorized solid waste may be accepted for processing at this facility at a rate not to exceed 1,000 tons per day.
  - B. The following special provision should be added as Part No. 1, Section XIII.A:

Potable water for the Facility shall be obtained from the City of Willow Park. Prior to the beginning of construction of the Facility, the permittee shall submit to the Executive Director of the TCEQ a copy of the May 23, 2011 water supply agreement between the permittee and the City of Willow Park and any revisions to Part No. 2, Attachment A of this permit that may be necessary to reflect that water will be supplied to the Facility pursuant to such agreement.

- C. The following special provision should be added as Part No. 1, Section XIII.B:

Domestic wastewater from restrooms in the transfer station building and the scale house used to provide sanitary facilities for employees and visitors at the Facility will be managed pursuant to the June 30, 2011 on-site sewage facility permit issued by Parker County. Prior to the beginning of construction of the Facility, the permittee shall submit to the Executive Director of the TCEQ a copy of such on-site sewage facility permit and any revisions to Part No. 2, Attachment A of this permit that may be necessary to reflect that domestic wastewater at the Facility will be managed pursuant to it.

- D. The following special provision should be added as Part No. 1, Section XIII.C:

No kitchen or shower facilities shall be included at the Brazos Transfer Station. Prior to the beginning of construction of the municipal solid waste facility authorized by this permit, the permittee shall submit to the Executive Director of the TCEQ any revisions to Part No. 2, Attachment A of this permit that may be necessary to reflect this restriction.

- E. The following special provision should be added as Part No.1, Section XIII. D:

During dry conditions, on-site roads will be swept with a wet sweeper, or other effective means, to control particulate pollution. Prior to beginning construction of the municipal solid waste facility authorized by this permit, the permittee shall submit to the Executive Director of the TCEQ any revisions to Part No. 2, Attachment A of this permit that may be necessary to reflect this restriction.

- F. The following special provision should be added as Part No. 1, Section XIII. E:

To the greatest extent reasonably feasible, Republic must require collection trucks travelling to and from the Brazos Transfer Station to avoid using Nu Energy Drive and East Bankhead Highway south of the transfer station unless they are working a collection route in that immediate area, and it must require transfer trucks travelling to and from the Brazos Transfer Station to avoid using Nu Energy Drive south of the transfer station, East Bankhead Highway, and Ranch House Road.

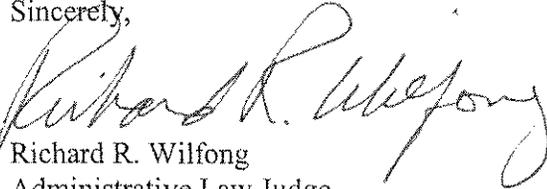
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- G. The following special provision should be added as Part No. 1, Section XIII. F:

The citizen recycling center shall be removed from the Brazos Transfer Station site plan, but may subsequently be located there through a minor permit amendment if and when the Executive Director determines that locating a citizen recycling center at the transfer station site is the best alternative consistent with the public's safety and convenience.

Sincerely,



Richard R. Wilfong  
Administrative Law Judge

RRW/llg  
cc: Mailing List

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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** REPUBLIC WASTE SERVICES OF TEXAS  
**SOAH DOCKET NUMBER:** 582-10-2069  
**REFERRING AGENCY CASE:** 2009-2058-MSW

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**STATE OFFICE OF ADMINISTRATIVE  
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