

Texas Commission on Environmental Quality



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Municipal Solid Waste Compost Permit

Proposed Permit No. 2388

APPLICATION AND PRELIMINARY DECISION. SouthWaste Disposal, LLC 16350 Park Ten Place, Suite 215, Houston, Texas 77084, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Type V Resource Recovery and Composting Facility permit to authorize the storage and processing activities associated with the composting of grease trap waste, municipal sewage sludge, septic waste, dairy and food including meat and fish. In addition, the facility will accept for processing bulking material in the form of clean wood. The facility is proposed to be located in an unincorporated area of Austin County, a rural area east of the corporate limits of San Felipe, Texas. It will be near the intersection of Barlett Road and Brazos 10 Lane in Austin County, Texas. The TCEQ received this application on November 16, 2015. The application is available for public viewing and copying at Bellville Public Library, 12 W. Palm, Bellville, Texas 77418. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice:

<https://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.776111&lng=-96.078055&zoom=13&type=r> For exact location, refer to the application.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Bellville Public Library, 12 West Palm, Bellville, Texas 77418. The permit application may be viewed online at http://www.dbsa-client-access.com/application/file_access.html.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments about this application. The TCEQ will hold a public meeting on this application because it was requested by local legislators. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application.

A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record.

**The Public Meeting is to be held:
Monday, April 17, 2017 at 7:00 PM
Sealy American Legion Hall
1630 Meyer Street
Sealy, Texas 77474**

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments and the Executive Director's decision on the application will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A person who may be affected by the proposed facility is entitled to request a contested case hearing from the commission.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement " [I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn.

If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decision on the application submitted during the comment period.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing, or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted within 30 days from the date of newspaper publication of this notice either electronically at www.tceq.texas.gov/about/comments.html or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087,

Austin, Texas 78711-3087. If you choose to communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at 800-687-4040. Si desea información en español, puede llamar al 800-687-4040.

Further information may also be obtained from SouthWaste Disposal, LLC at the address stated above or by calling Mr. Tim Cox at (866) 413-9494.

Persons with disabilities who need special accommodations at the public meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Issuance Date: March 17, 2017