

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**DECISION OF THE COMMISSION
REGARDING THE PETITION FOR RULEMAKING FILED BY
Lowerre, Frederick, Perales, Allmon & Rockwell on behalf of Texas Campaign for the
Environment, Texas Disposal Systems, Inc., Texas Disposal Systems Landfill, Inc.,
Texas Landfill Management, L.L.C. and 19 additional organizations and individuals**

Docket No. 2008-1659-RUL

On December 10, 2008, the Texas Commission on Environmental Quality (Commission) considered the petitions for rulemaking filed by Lowerre, Frederick, Perales, Allmon & Rockwell on behalf of Texas Campaign for the Environment, Texas Disposal Systems, Inc., Texas Disposal Systems Landfill, Inc., Texas Landfill Management, L.L.C. and 19 additional organizations and individuals. The petitions, filed on October 16, 2008, requests that the agency initiate rulemaking to add definitions of "applicant" and "permittee" to 30 TAC § 305.2 and to amend 30 TAC § 305.43 (c) to require an applicant or permittee to apply for municipal solid waste permits, permit amendments, and permit modifications.

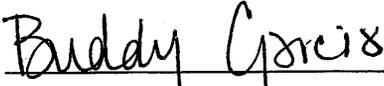
IT IS THE DECISION OF THE COMMISSION pursuant to Administrative Procedure Act (APA), Texas Government Code, § 2001.021 and Texas Water Code, § 5.102 to deny the petitions.

The petitions address issues that were considered during the recent rule amendments for 30 TAC Chapter 305, which went into effect May 28, 2008. During the recent rulemaking, changes were made to 30 TAC § 305.43 to address issues relating to who applies for a municipal solid waste permit.

This Decision constitutes the decision of the Commission required by the APA, § 2001.021(c).

Issued date: **DEC 15 2008**

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ENVIRONMENTAL QUALITY


Buddy Garcia, Chairman