

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 5th, 2023

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

RE: Diamond Back Recycling and Sanitary Landfill, LP
SOAH Docket No. 582-22-0844
TCEQ Docket No. 2021-1000-MSW

Dear Ms. Gharis:

Please find attached the Executive Director's Reply to the Administrative Law Judges Proposal for Decision for the above referenced matter.

Best Regards,

A handwritten signature in black ink, appearing to read "Anthony Tatu".

Anthony Tatu
TCEQ Staff Attorney

SOAH DOCKET NO. 582-22-0844
TCEQ DOCKET NO. 2021-1000-MSW

APPLICATION BY DIAMOND BACK § BEFORE THE STATE OFFICE
RECYCLING AND SANITARY §
LANDFILL, LP FOR MUNICIPAL SOLID § OF
WASTE PERMIT NO. 2404 § ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S REPLY TO THE ADMINISTRATIVE LAW JUDGES PROPOSAL
FOR DECISION

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) supports the administrative law judge's (ALJ's) conclusions that Diamond Back Recycling and Sanitary Landfill, LP, (Diamond Back) has met its burden of proof regarding all the referred issues in this case and that Diamond Back's application for MSW Permit No. 2404 should be granted. The Executive Director does not have any exceptions or recommended changes to the Proposal for Decision.

Therefore, the Executive Director respectfully requests that the Commission adopt the ALJs' proposed order and issue the proposed permit to Diamond Back Recycling and Sanitary Landfill, LP.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Interim Executive Director

Erin E. Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



Anthony Tatu
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CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2023 the “Executive Director’s Reply to the Administrative Law Judge’s Proposal for Decision” was served electronically, and by either first class mail or hand delivered to the parties listed below.



Anthony Tatu, Staff Attorney
TCEQ’s Environmental Law Division
State Bar of Texas No. 00792869

MAILING LIST

Diamond Back Recycling and Sanitary Landfill, L.P.
TCEQ Docket No. 2021-1000-MSW, MSW Permit No. 2404

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