

Jon Niermann , *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 23, 2022

TO: All Persons on Mailing List

RE: SOAH Docket No. 582-22-0844; TCEQ Docket No. 2021-1000-MSW; Application of Diamond Back Recycling and Sanitary Landfill, LP for Municipal Solid Waste Permit No. 2404, in Ector County, Texas.

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **December 14, 2022** at **9:30 A.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas. Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at: https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html eight days before the Agenda.

30 TAC §80.263 provides as follows:

In proceedings where a judge has held a public hearing and has issued a proposal for decision or other report to the commission, all oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations. Before the commission meeting, the general counsel may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the commission.

The General Counsel has directed me to extend the time for oral argument to **12 minutes** for the Applicant; **12 minutes** for the Protestants collectively; **7 minutes** for the Executive Director; and **7 minutes** for the Office of Public Interest Counsel. The Protestants should apportion their **12 minutes** among themselves prior to the public meeting and contact Meghan Taack, Office of the Chief Clerk at (512) 239-3300 by **5:00 p.m. on Monday, December 12, 2022**, to let her know how the time will be apportioned. The Applicant may save part of its time for rebuttal, as it bears the burden of proof. Parties should present their arguments on the Proposal for Decision during their allotted oral argument time.

Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed. In light of the oral argument time periods previously found sufficient in complex matters and given the Commissioners' ability to question the parties to clarify any issues, the General Counsel has determined that the time periods provided should be sufficient.

Should you need any additional information, please contact Meghan Taack at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis". The letters are fluid and connected, with a prominent loop at the end of the word "Gharis".

Laurie Gharis
Chief Clerk

MAILING LIST

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

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**State Office of Administrative
Hearings**

The Honorable Megan Johnson
Administrative Law Judge
<https://www.soah.texas.gov/e-filing-soah>

Office of the Chief Clerk

Docket Clerk
www.tceq.texas.gov/goto/efilings