

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

August 18, 2022

TO: Persons on the Attached Mailing List

**RE: Docket No. 2022-0977-MSW
City of Waco (Applicant)
Request(s) filed on Permit No. 2400**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **September 22, 2022**. The meeting will begin at 1:00 p.m. 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.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **August 30, 2022**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **September 13, 2022**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at www.tceq.texas.gov/goto/efilings or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the

commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT

Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) If the request is made by a group or association, the request must identify:
- (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

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DOCKET NO. 2022-0977-MSW; PERMIT NO. 2400**

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MCMILLAN , JANET BURKE
23 JONES VIEW DR
HUNTSVILLE TX 77320-1543

MCMILLAN , JANET BURKE
6725 HIGHWAY 84 W
COOLIDGE TX 76635-3071

MEIER , PATTIE M
211 COVENTRY DR
HEWITT TX 76643-4212

MILNER , CYNTHIA D
459 FRAZIER LN
AXTELL TX 76624-1657

MINCHEW , MRS JULIE
308 S LEAGUE RANCH RD
WACO TX 76705-4919

MINIX , JOY ELISE
VINTAGE OAKS RANCH CATERING
PO BOX 88
AXTELL TX 76624-0088

MINIX , JOY ELISE
VINTAGE OAKS RANCH CATERING
2712 HAPPY SWANER LN
AXTELL TX 76624-1305

MOHLKE , JEREMY LEE
1092 RILEY RD
AXTELL TX 76624-1321

MONTGOMERY , ERIC
279 N 7TH ST
AXTELL TX 76624-1442

MOORE , PATRICIA
450 BEAVER LN
WACO TX 76705-4901

MORAVEC , CAROL
10778 E HIGHWAY 84
AXTELL TX 76624-1427

MORAVEC , DANIEL J
10778 E HIGHWAY 84
AXTELL TX 76624-1427

MOSELEY , JULIE R
993 COMPTON RD
CRAWFORD TX 76638-2604

MUHL-ANDERSON , MRS BOBBIE J
1800 COUNTY ROAD 436
DIME BOX TX 77853-5256

MURREY , WILLARD
2134 LCR 124
MOUNT CALM TX 76673-3610

NICHOLS , AMBER & MATT
PO BOX 88
AXTELL TX 76624-0088

NICHOLS , AMBER R
VINTAGE OAKS RANCH
PO BOX 88
AXTELL TX 76624-0088

NICHOLS , MATT
PO BOX 88
AXTELL TX 76624-0088

NICKEL , CANDACE
PO BOX 435
AXTELL TX 76624-0435

NIVIN , CATHRYNE
964 LCR 120
MOUNT CALM TX 76673-3592

NIVIN , MR ERNEST TAYLOR
964 LCR 120
MOUNT CALM TX 76673-3592

OMBERG , SHERRY
129 LEMLEY LN
WACO TX 76705-4920

OWENS , JANA
500 N EMERSON ST
MART TX 76664-1243

PARKER , JOE
266 EASY ACRES RD
WACO TX 76705-4910

PARKS , KAREN
PO BOX 455
AXTELL TX 76624-0455

PARKS , RONNIE D
373 S PLEASANT HILL RD
AXTELL TX 76624-1227

PAVELKA , KATHEY D
1034 RUDY RD
AXTELL TX 76624-1322

PERALES , MARISA ATTORNEY
PERALES ALLMON & ICE PC
1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PIERCE , JANA
900 W SOMERS LN
AXTELL TX 76624-1171

PIERCE , MR RICKY
PIERCE & PIERCE BUILDERS INC
9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PIERCE , MRS VICKI MICHELLE
9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PITTMAN , BRENDA
PO BOX 177
AXTELL TX 76624-0177

PORTER , DARREN
1500 LCR 102
MOUNT CALM TX 76673-3625

PORTER , MELISSA
1500 LCR 102
MOUNT CALM TX 76673-3625

PRICE , JOHN H
102 N MORGAN ST W
MOUNT CALM TX 76673-3020

PRICE , RANDI
102 N MORGAN ST W
MOUNT CALM TX 76673-3020

PROCTOR , J R
1351 W DENTON RD
AXTELL TX 76624-1139

PROCTOR , LARRY
1351 W DENTON RD
AXTELL TX 76624-1139

PYBURN , SHELLY & STUART
970 LCR 114
AXTELL TX 76624-1378

PYBURN , STUART THOMAS
1465 DEER FOREST DR
PIPE CREEK TX 78063-2108

QUEEN , NANCY
PO BOX 105
AXTELL TX 76624-0105

RADDE , ANGELA
387 WILDCAT CREEK RD
AXTELL TX 76624-1345

RADER , MRS KATHY
13364 E HIGHWAY 84
AXTELL TX 76624-1608

RATLIFF , DARLA
168 WATER TOWER RD
AXTELL TX 76624-1165

RAY , VICKIE
141 LEON DR
WACO TX 76705-4938

REED , ARNOLD
164 KIMBELL RD
AXTELL TX 76624-1317

REED , DAVID L
3444 T K PKWY
AXTELL TX 76624-1328

REED JR , DAVID L
PO BOX 1922
CANYON LAKE TX 78133-0022

REED , DAVID & JANET
3444 T K PKWY
AXTELL TX 76624-1328

REED , DIXIE L
239 LCR 114
AXTELL TX 76624-1333

REED , JANET
3444 T K PKWY
AXTELL TX 76624-1328

REYES , MRS RACHEL MARTIN
12008 E HIGHWAY 84
AXTELL TX 76624-1616

RIEHL , KIT & SARAH
1063 HERITAGE PKWY
AXTELL TX 76624-1164

RIGBY , MRS ELISABETH
4418 T K PKWY
AXTELL TX 76624-1353

RIGBY , KATHLEEN J
1533 BROOKSIDE DR
MANTECA CA 95336-8512

RIGBY , MR STEVEN
4418 T K PKWY
AXTELL TX 76624-1353

RIVETTE , CHARLES
322 TEAL LN
SUGAR LAND TX 77478-4717

RODGERS , TOMMY
2038 HAPPY SWANER LN
AXTELL TX 76624-2128

RODGERS , TOMMY M
PO BOX 93
AXTELL TX 76624-0093

ROGERS , TAMY
4919 GARDEN GROVE RD
GRAND PRAIRIE TX 75052-4445

ROLLER , ERMA L
1212 KANE ST
BELLMEAD TX 76705-2552

ROOF , STACY L
370 W OLD AXTELL RD
WACO TX 76705-4926

ROWE , RACHEL
112 S SMYTH ST
MART TX 76664-1438

ROYAL , ERIK
851 LCR 120
MOUNT CALM TX 76673-3555

SAEGERT , RHIANNON
900 FRANKLIN AVE
WACO TX 76701-1906

SANCHEZ , JENNIFER
1215 LCR 114
AXTELL TX 76624-1460

SAUCEDO , KAREN
11964 E HIGHWAY 84
AXTELL TX 76624-1508

SCHNELL , COURTNEY
2208 JESTER LN
FLOWER MOUND TX 75028-3579

SCHOLTE , NELDA
11448 E HIGHWAY 84
AXTELL TX 76624-1403

SCHULTE , JILL
1968
3917 COLCORD AVE
WACO TX 76707-1627

SCHWERTNER , THE HONORABLE CHARLES
STATE SENATOR
THE SENATE OF TEXAS DISTRICT 5
PO BOX 12068
AUSTIN TX 78711-2068

SERROS III , DR. ALCARIO
933 FRAZIER LN
AXTELL TX 76624-1658

SERROS , MRS GINA
933 FRAZIER LN
AXTELL TX 76624-1658

SHANNON , JOYCE M
6300 SHOREWOOD DR
ARLINGTON TX 76016-2653

SHANNON , JOYCE M
6116 OLD MEXIA RD
WACO TX 76705-4932

SHURETTE , STEVEN
797
11292 LEISURE RD
BRENHAM TX 77833-8887

SISEMORE , DAVE
633 HERITAGE PKWY
AXTELL TX 76624-1108

SKINNER , JOELLEN
PO BOX 184
AXTELL TX 76624-0184

SOUDERS , LESLIE GAIL
518 N SEELEY AVE W
MOUNT CALM TX 76673-3073

STANFIELD , ASHLEY
STE 101
200 W STATE ST
GROESBECK TX 76642-1700

STANLEY , KELDA
1233 LONGHORN PKWY
AXTELL TX 76624-1414

STEFFEK , MS JULIANNA L
4351 T K PKWY
AXTELL TX 76624-1461

STEFKA , DAVID
PO BOX 43
AXTELL TX 76624-0043

STEPHENS , MRS SUNNY
261 E SELEY
AXTELL TX 76624-1235

STOKES , MR BENJAMIN LUKE
1553 FRAZIER LN
AXTELL TX 76624-1662

STOKES , MRS MELANIE
1553 FRAZIER LN
AXTELL TX 76624-1662

STONE , CURTIS
322 N PLEASANT HILL RD
AXTELL TX 76624-1483

STONE , ROBERT R
2013 HIGHWAY 31
AXTELL TX 76624-1520

STOUT , JOHNNY
3334 HAPPY SWANER LN
AXTELL TX 76624-2108

STOUT , MARGARET
3334 HAPPY SWANER LN
AXTELL TX 76624-2108

STOUT , VICTORIA
3334 HAPPY SWANER LN
AXTELL TX 76624-2108

STRANACHER , DANETTE
3007 HIGHWAY 31
AXTELL TX 76624-1209

STRANACHER , DESIRAE
964 KIRKLAND HILL RD
AXTELL TX 76624-1195

STRANACHER , MICHAEL
964 KIRKLAND HILL RD
AXTELL TX 76624-1195

STRANGE , MATT B
2981 HIGHWAY 31
AXTELL TX 76624-1623

STROCK , SHANA
604 OLD SAWMILL RD
AXTELL TX 76624-1565

SUGGS , KATHLEEN A
526 HAPPY SWANER LN
AXTELL TX 76624-2102

SUMNER , LYNN & STEVE
1464 W DENTON RD
AXTELL TX 76624-1132

SUTTON , JENNIFER
247 N LAKE ST
AXTELL TX 76624-1318

SWANER , FRED L
4351 T K PKWY
AXTELL TX 76624-1461

SWANER , SUSAN
4351 T K PKWY
AXTELL TX 76624-1461

SYKORA , JAYNI
4025 WINDSOR AVE
WACO TX 76708-3073

TENNISON , KEVEN
4081 E OLD AXTELL RD
AXTELL TX 76624-1218

TIERCE , SHARON KAY
156 CULLENS LN
AXTELL TX 76624-1372

TIERCE , VIRGINIA
376 WOOD ST
AXTELL TX 76624-1232

TRAMMELL , SHANNON
788 FM 339
MOUNT CALM TX 76673-3130

TRAYLER , JAMES
20 WALKERS XING
WACO TX 76705-4006

TROUT , BRENDA P
2003 BRIDGEHAMPTON PL
BRANDON FL 33511-2309

TUCKER , CHRIS
1088 LCR 114
AXTELL TX 76624-1439

TUCKER , CHRIS SHAWN
970 W SOMERS LN
AXTELL TX 76624-1171

TUCKER , CHRIS SHAWN
PO BOX 154142
WACO TX 76715-4142

TUCKER , GLENDA & KEN
1116 LCR 114
AXTELL TX 76624-1459

TUCKER , JENNIFER KAY
1755 LCR 120
MOUNT CALM TX 76673-3002

TUCKER , JIMMY
304 N 5TH ST W
MOUNT CALM TX 76673-3096

TUCKER , KEN
1116 LCR 114
AXTELL TX 76624-1459

TULL , NICOLE
PO BOX 407
AXTELL TX 76624-0407

VICHA , JOHN
400 N VICHA RD
AXTELL TX 76624-2125

VICHA , MRS LESLIE
1119 RUDY RD
AXTELL TX 76624-1322

WEATHERBY , MR BRENT
602 HCR 3373
HUBBARD TX 76648-2838

WEDDINGTON , CHRISTINE
1589 LCR 106
MOUNT CALM TX 76673-3573

WEGWERTH , RICK
1867 SOMMERFELD DR
WACO TX 76705-5051

WHITAKER , WILLIAM
304 GLENVIEW CIR
WOODWAY TX 76712-3141

WHITE , MS RANDELLE
PO BOX 367
AXTELL TX 76624-0367

WHITLEY , MRS KAREN
PO BOX 375
AXTELL TX 76624-0375

WHITLEY , MS KAY
PO BOX 375
AXTELL TX 76624-0375

WHITLEY , MARY JO
1304 E ELM ST
HILLSBORO TX 76645-2646

WILLIAMS , BEN
2920 T K PKWY
AXTELL TX 76624-1467

WILLIAMS , MARJORIE
6116 OLD MEXIA RD
WACO TX 76705-4932

WILLIAMS , TRACY
462 LCR 118
MOUNT CALM TX 76673-3284

WILLIAMS , TRISHA
2920 T K PKWY
AXTELL TX 76624-1467

WILLIS JR , KENNY
3730 OLD MEXIA RD
WACO TX 76705-4950

WILSON , DONIS LEE
1216 MIDDLETON RD
MART TX 76664-5133

WILSON , LOGAN & MARY ANN
638 LCR 463
MEXIA TX 76667-2651

WILSON , MARY
1216 MIDDLETON RD
MART TX 76664-5133

WRIGHT , BETH
3939 WILLOWVIEW DR
PASADENA TX 77504-3041

YOUNG , ROBERT
1990 T K PKWY
AXTELL TX 76624-1352

ZABOROWSKI , MR CARY
1259 N VICHARD
AXTELL TX 76624-2118

ZACHARIAS , ARLENE & EDWARD F
817 LCR 120
MOUNT CALM TX 76673-3555