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February 21, 2023

Via Electronic Submission

Laurie Gharis,
Chief Clerk, MC 105
Texas Commission on Environmental Quality
PO Box 13087
Austin TX 78711-3087

Re: Request for Extension of Request for Reconsideration and Request for Contested Case Hearing Period for USA Waste of Landfills, Inc. MSW Permit 2185A

Lone Star Legal Aid (“LSLA”) submits this request for an extension of time for the submission of requests for contested case hearings and requests for reconsideration on USA Waste of Landfills, Inc.’s (“Applicant”) MSW Permit 2185A (the “Permit”), pursuant to 30 TAC § 55.201(g)(2). LSLA represents both Myra Jefferson and Gregory Hudson individually, previous commenters on this Permit who are entitled to request both reconsideration and a contested case hearing on the Permit.

TCEQ received this application from Applicant on or around February 23, 2021, and it was declared administratively complete on April 2, 2021. According to the TCEQ’s Integrated Database, this application received over 400 comments and 37 original contested case hearing requests, including comments from community residents and state senators. Two public meetings were also held on the application, on January 18, 2022 and June 22, 2022, due to the high level of public interest in this Permit.

Approximately six (6) months after the second public meeting, the Executive Director published its response to comments (“RTC”) on January 24, 2023, and the 30-day initial time for Requests for Reconsideration and Contested Case Hearing began to run, with a current deadline of February 23, 2023.

30 TAC § 55.201(g)(2) states that the Commission has the authority to extend the time allowed to file a request for reconsideration, or a request for a contested case hearing. Requests for Contested Case Hearings require a demonstration of “affected person” status. 30 TAC § 55.201(b)(4). Such requests also require a list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request, and the request should specify any of the executive director's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law. 30 TAC § 55.201(d)(4)(B).

Here, the RTC contained over 70 responses to comments, approximately 40 of which were to comments filed by Ms. Myra Jefferson and Mr. Gregory Hudson. The comments and responses are detailed, complex, and technical, and require thorough evaluation and consideration by the public, commenters, and other interested parties. In light of the public interest in this Permit, and the substantial response to comments by the Executive Director to be addressed, LSLA respectfully requests a 30-day extension of the initial statutory Request for Reconsideration/Request for Contested Case Hearing time period. LSLA believes this will be in the best interest of the public and appreciates the Commission’s attention to this matter.

Respectfully submitted,

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