

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

August 24, 2023

TO: All interested persons.

RE: 130 Environmental Park, LLC
MSW Permit No. 2383

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, the permit amendment application, Executive Director's preliminary decision, and draft limited scope amendment document are available for viewing and copying at Dr. Eugene Clark Library, 217 S. Main Street, Lockhart, Texas. The permit application may be viewed online at <https://www.biggsandmathews.com/on-line-documents/permits-v2/category/7-130-environmental-park>.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) 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.

Additionally, your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
130 Environmental Park, LLC
MSW Permit No. 2383

The Executive Director has made the Response to Public Comment (RTC) for the application by 130 Environmental Park, LLC for MSW Permit No. 2383 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (2383) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, the permit amendment application, Executive Director's preliminary decision, and draft limited scope amendment document are available for viewing and copying at Dr. Eugene Clark Library, 217 S. Main Street, Lockhart, Texas. The permit application may be viewed online at <https://www.biggsandmathews.com/on-line-documents/permits-v2/category/7-130-environmental-park..>

Translate Documents Using Google Translate

You can translate documents up to 10 MB in any of these formats: .docx, .pdf, .pptx, .xlsx. PDF files must be 300 pages or less. To translate more documents or larger documents, [learn about the Cloud Translation API](#)¹.

Important: Document translation isn't available on smaller screens or mobile (cell phones). You can find text in images and scanned .pdf pages in the output document but they aren't translated.

1. In your browser, go to [Google Translate](#)².
2. At the top, click **Documents**.
3. Choose the languages to translate to and from.
4. To automatically set the original language of a document, click **Detect language**.
5. Click the blue **Browse your computer** button.
6. Select the file you want to translate.
7. Click **Translate** and wait for the document to finish translating.
8. Click **Download translation** to download your translated document.
9. Get more information at [Translate documents & websites - Computer - Google Translate Help](#)³.

Translate Documents using Microsoft Translator

1. Open document in Word.
2. Select **Review > Language > Translate > Translate Document**.
3. Select a language to conduct the translation.
4. Select **Translate**. A copy of the translated document will open in a separate window.
5. Select **OK** in the original window to close translator.
6. Get more information at [Microsoft Translator for Personal Use - Microsoft Translator](#)⁴.

¹ <https://cloud.google.com/translate>

² <https://cloud.google.com/translate>

³ <https://support.google.com/translate/answer/2534559?hl=en&co=GENIE.Platform%3DDesktop&oco=1>

⁴ <https://www.microsoft.com/en-us/translator/personal/>



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS
Protegiendo a Texas reduciendo y previniendo la contaminación

24 de agosto de 2023

TO: Todas las personas interesadas.

RE: 130 Environmental Park, LLC
MSW Permiso No. 2383

Decisión del Director Ejecutivo.

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, la solicitud para enmienda del permiso, la decisión preliminar del Director Ejecutivo y el borrador del documento de la enmienda de alcance limitado están disponibles para examinar y copiar en Dr. Eugene Clark Biblioteca, 217 S. Main Street, Lockhart, Texas. La solicitud de permiso se puede ver en línea en <https://www.biggsandmathews.com/on-line-documents/permits-v2/category/7-130-environmental-park>.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

Cómo solicitar una audiencia de caso impugnado.

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de

audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una "**persona afectada**". Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a www.tceq.texas.gov/agency/decisions/cc/comments.html o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Procesamiento de solicitudes.

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

Cómo obtener información adicional.

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/erg

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
130 Environmental Park, LLC
MSW Permiso No. 2383

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de 130 Environmental Park, LLC del permiso de MSW No. WQ0016217001. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (2383) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, la solicitud para enmienda del permiso, la decisión preliminar del Director Ejecutivo y el borrador del documento de la enmienda de alcance limitado están disponibles para examinar y copiar en Dr. Eugene Clark Biblioteca, 217 S. Main Street, Lockhart, Texas.

La solicitud de permiso se puede ver en línea en

<https://www.biggsandmathews.com/on-line-documents/permits-v2/category/7-130-environmental-park>.

Traducir documentos usando Google Translate

Puede traducir documentos de hasta 10 MB en cualquiera de estos formatos: .docx, .pdf, .pptx .xlsx. Los archivos PDF deben tener 300 páginas o menos. Para traducir más documentos o documentos más grandes, [obtenga información sobre la API de traducción en la nube](#)¹.

Importante: La traducción de documentos no está disponible en pantallas más pequeñas o móviles (teléfonos celulares). Puede encontrar texto en imágenes y escanear .pdf páginas en el documento de salida, pero no se traducen.

1. En tu navegador, ve a [Google Translate](#)².
2. En la parte superior, haga clic en **Documentos**.
3. Elija los idiomas a los que desea traducir y desde.
4. Para establecer automáticamente el idioma original de un documento, haga clic en **Detectar idioma**.
5. Haga clic en el botón azul **Examinar el equipo**.
6. Seleccione el archivo que desea traducir.
7. Haga clic en **Traducir** y espere a que el documento termine de traducirse.
8. Haga clic en **Descargar traducción** para descargar el documento traducido.
9. Obtén más información en [Traducir documentos y sitios web - Ordenador - Ayuda de Google Translate](#)³.

Traducir documentos con Microsoft Translator

1. Abra el documento en Word.
2. Seleccione **Revisar** > **idioma** > **Traducir** > **traducir documento**.
3. Seleccione un idioma para realizar la traducción.
4. Seleccione **Traducir**. Se abrirá una copia del documento traducido en una ventana separada.
5. Seleccione **Aceptar** en la ventana original para cerrar el traductor.
6. Obtenga más información en [Microsoft Translator para uso personal - Microsoft Translator](#)⁴.

¹ <https://cloud.google.com/translate>

² <https://cloud.google.com/translate>

³ <https://support.google.com/translate/answer/2534559?hl=en&co=GENIE.Platform%3DDesktop&oco=1>

⁴ <https://www.microsoft.com/en-us/translator/personal/>

MAILING LIST / LISTA DE CORREO
for / para
130 Environmental Park, LLC
TPDES Permit No. 2383 / MSW Permiso No. 2383

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Charles Appleby, Vice President
130 Environmental Park, LLC
5200 North US Highway 183
Lockhart, Texas 78664

Brent Ryan, Attorney
McElroy, Sullivan, Miller & Weber, LLP
P.O. Box 12127
Austin, Texas 78711

INTERESTED PERSONS /
PERSONAS INTERESADAS:

See attached list.

FOR THE EXECUTIVE DIRECTOR /
PARA EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Anthony Tatu, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Megan Henson, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division MC-126
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /
PARA ABOGADOS DE INTERÉS
PÚBLICO
via electronic mail /
por correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /
PARA EL SECRETARIO OFICIAL
via electronic mail
por correo electrónico:

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

AGUILAR , HECTOR
5930 MIDDLE FISKVILLE RD
AUSTIN TX 78752-4341

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

ALVEY , BRIAN
PO BOX 539
LOCKHART TX 78644-0539

ARCINIEGA JR , PEDRO
STE 10
2000 W SAN ANTONIO ST
LOCKHART TX 78644-2580

BROWN , CLAUDIA & ROBERT
1882 FM 1185
LOCKHART TX 78644-4485

CASTILLO , PEDRO G
808 E WALNUT ST
LOCKHART TX 78644-2127

CUELLAR , JESSICA
1314 MONTE VISTA DR
LOCKHART TX 78644-1939

DAVILA , MARY
1515 HOMANNVILLE TRL
LOCKHART TX 78644-2270

DAVILA-FLORES , SOMER
111 SUNSET DR
LOCKHART TX 78644-3934

DAVIS , TRAVIS
PO BOX 2120
SAN MARCOS TX 78667-2120

DIAZ , ENRIQUE
1875 HOMANNVILLE TRL
LOCKHART TX 78644-4935

ESTRADA , ALAURA E
520 NECHES ST
LOCKHART TX 78644-2863

ESTRADA , ASHLEY
818 FM 713
LOCKHART TX 78644-4234

FORD , CHARLA TAIT
18565 SCENIC HIGHWAY 98
FAIRHOPE AL 36532-6882

FRIEDRICH , BYRON CHRISTOPHER
PO BOX 454
LOCKHART TX 78644-0454

FRIEDRICH , BYRON CHRISTOPHER
2353 FM 1185
LOCKHART TX 78644-2263

GOMEZ , RICARDO
2215 HOMANNVILLE TRL
LOCKHART TX 78644-2271

HADEN , HOPPY
RM 201
110 S MAIN ST
LOCKHART TX 78644-2701

HERNANDEZ , ANTHONY
948 SUTTON LN
LULING TX 78648-4009

HOEKZEMA , ANDREW
CAPITAL AREA COUNCIL OF GOVERNMENTS
BLDG 310, STE 165
6800 BURLESON RD
AUSTIN TX 78744-2306

HOLDER , LESLIE
575 COMANCHE WAY
DALE TX 78616-3347

HOMANN JOHNSON , CINDY
802 HOMANN RD
LOCKHART TX 78644-2280

KING , PATTON S
22834 MOUNTAIN CREEK CT
KATY TX 77450-3680

LANE , MS SUSAN ELIZABETH
GARDENSCAPES
1334 HOMANNVILLE TRL
LOCKHART TX 78644-2078

LOPEZ GALVAN , ALEJO
1705 HOMANNVILLE TRL
LOCKHART TX 78644-2394

MALDONADO , SAMUEL
316 ALAMO DR
LOCKHART TX 78644-1571

MOORE , BRYAN J
STE 1420
98 SAN JACINTO BLVD
AUSTIN TX 78701-4082

NEUMANN , DAVID
1138 HOMANNVILLE TRL
LOCKHART TX 78644-3698

ORTIZ III , VINCENT
1004 N COMMERCE ST
LOCKHART TX 78644-1810

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

RINCON , LISA
1905 HOMANNVILLE TRL
LOCKHART TX 78644-2498

RODRIGUEZ , PAULA
202 W CHINA ST
LOCKHART TX 78644-1766

RODRIGUEZ , TERESA
110 S MAIN ST
LOCKHART TX 78644-2701

ROLAND , THE HONORABLE JOE IVAN COMM PCT
4
CALDWELL COUNTY COMMISSION
110 S MAIN ST
LOCKHART TX 78644-2701

RUIZ , BEVERLY
APT A
205 S MAIN ST
LOCKHART TX 78644-2746

RUIZ , RENATO
400 FALL ASTER DR
KYLE TX 78640-2662

SHELTON , BARBARA
110 S MAIN ST
LOCKHART TX 78644-2701

SIFUENTES , BLANCA
905 LEE LN
LOCKHART TX 78644-3522

SIFUENTES , BRANDE
606 INDIAN BLANKET
LOCKHART TX 78644-3185

SIFUENTES , ELIZABETH
108 W OLIVE ST
LOCKHART TX 78644-1729

SUAREZ , ARMANDO
1525 HOMANNVILLE TRL
LOCKHART TX 78644-2270

SUGHRUE , FRANK L
5118 BARTH RD
LOCKHART TX 78644-2258

THERIOT , ED
110 S MAIN ST
LOCKHART TX 78644-2701

TORRES , ALFONSO
1643 HOMANNVILLE TRL
LOCKHART TX 78644-4516

TORRES , ANGELICA M
1855 HOMANNVILLE TRL
LOCKHART TX 78644-4935

TREJO , DORA GUDINO
1475 HOMANNVILLE TRL
LOCKHART TX 78644-3196

VOIGHTS , BETTY
BLDG 310, STE 165
6800 BURLESON RD
AUSTIN TX 78744-2306

VORA , PARIND
119 E SAN ANTONIO ST
LOCKHART TX 78644-2131

WESTMORELAND , B J
110 S MAIN ST
LOCKHART TX 78644-2701

**TCEQ LIMITED-SCOPE PERMIT AMENDMENT
APPLICATION NO. 2383**

APPLICATION BY 130 ENVIRONMENTAL PARK, LLC FOR MSW PERMIT NO. 2383	§ § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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Executive Director’s Response to Public Comment

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the limited-scope amendment application (LSA Application) by 130 Environmental Park, LLC (130 Environmental Park or Applicant), for 130 Environmental Park, a Municipal Solid Waste (MSW) facility, Permit Number 2383 and on the Executive Director’s preliminary decision. The LSA Application would expand waste acceptance hours to 5:00 a.m. to 7:00 p.m., Monday through Friday, and 6:00 a.m. to 5:00 p.m. on Saturday. It would expand operating hours to 5:00 a.m. to 9:00 p.m., Monday through Friday, and 6:00 a.m. to 6:00 p.m. on Saturday. As required by 30 Texas Administrative Code (TAC) Section 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Executive Director is filing this Response to provide a response to public comments received in a timely manner. The Office of the Chief Clerk received timely comment letters from the following individuals.

Robert and Claudia Brown
Caldwell County Commissioners Court
Capitol Area Council of Governments (CAPCOG)
Environmental Protection in the Interest of Caldwell County (EPICC)
Byron Friedrich
Leslie Holder
King Family Trust
Susan Lane
Frank Sughrue

A resolution from the Caldwell County Commissioners Court was received from each of the four Commissioners (B.J. Westmoreland, Precinct 1; Barbara Shelton, Precinct 2; Ed Theriot, Precinct 3; and Joe Roland, Precinct 4) and the Caldwell County Clerk, Teresa Rodriguez.

The Chief Clerk received form letters from the following individuals, who will be referred to as Group 1 for the remainder of the Response.

Hector Aguilar	Travis Davis
Brian Alvey	Alaura Estrada
Pedro Areiniega	Ashley Estrada
Pedro Castillo	Anthony Hernandez
Jessica Cuellar	Cindy Johnson
Somer Davila-Flores	Samuel Maldonado

Vincent Ortiz
Paula Rodriguez
Beverly Ruiz
Renato Ruiz

Blanca Sifuentes
Brandee Sifuentes
Elizabeth Sifuentes
Parind Vora

The Chief Clerk also received form letters from the following individuals, who will be referred to as Group 2 for the remainder of the Response.

Mary Davila
Enrique Diaz
Alejo Galvan
Ricardo Gomez
Susan Lane

David Neumann
Lisa Rincon
Armando Suarez
Alfonso Torres
Angelica Torres

The Chief Clerk also received form letters from the following individuals, who will be referred to as Group 3 for the remainder of the Response.

Sara Figueroa
Eugenio Garcia

Irene Garcia
Dora Trejo

This response addresses all such public comments received, whether or not withdrawn, with the exception of comments that are that are outside the scope of the LSA Application that focuses on facility waste acceptance and operating hours. These out-of-scope comments addressed toxic exposure, health, air quality, and water quality. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov/.

I. BACKGROUND

A. DESCRIPTION OF FACILITY

130 Environmental Park, LLC owns and operates 130 Environmental Park, a Type I MSW landfill in Caldwell County, Texas. The original application was received on September 4, 2013 and the permit issued December 11, 2017 (referred to as original application or original permit). The facility is located north of Farm-to-Market Road (FM) 1185 between U.S. Highway 183 and Homannville Trail, about two miles north of Lockhart. The facility boundary covers 520 acres, of which approximately 202 acres are approved for waste disposal. The Applicant is authorized to dispose of municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, recreational, and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, construction and demolition waste, and yard waste. The Applicant is also authorized to dispose of Class 2 industrial solid waste, Class 3 industrial solid waste, and certain special waste. The Applicant is prohibited from accepting Class 1 nonhazardous industrial solid waste except waste that is Class 1 only because of asbestos content. The Applicant is further prohibited from accepting medical waste, sewage, dead animals, slaughterhouse waste, sludge, grease trap waste, grit trap waste, liquid waste from municipal sources, municipal hazardous waste from conditionally exempt small quantity generators, and out-of-

state waste. The total disposal capacity of the landfill, including waste and daily cover, is 33.1 million cubic yards.

B. PROCEDURAL BACKGROUND

The LSA Application was received on December 22, 2021. An administrative Notice of Deficiency letter (NOD) was mailed on January 18, 2021. A response to the NOD was received January 31, 2022 and the LSA Application was declared administratively complete on March 7, 2022. The LSA Application originally requested operating hours of 24 hours per day, seven days per week. The Notice of Receipt of Application and Intent to Obtain Municipal Solid Waste Permit Amendment (NORI) was mailed on March 14, 2022. The NORI was published on April 4, 2022 in the *Austin American-Statesman*; on April 7, 2022 in the *Lockhart Post-Register*; and on April 7, 2022 in Spanish in *El Mundo*, in Caldwell, County, Texas.

The Executive Director completed the technical review of the LSA Application on May 25, 2022 and prepared a draft limited-scope amendment document. The Notice of Application and Preliminary Decision (NAPD) was mailed May 27, 2022. The NAPD was published on June 15, 2022 in the *Austin American-Statesman*; on June 16, 2022 in the *Lockhart Post-Register*; and on June 16, 2022 in Spanish in *El Mundo*, in Caldwell County, Texas. An error was noted in the NAPD published in the *Austin American-Statesman* and the NAPD was republished in the *Austin American-Statesman* on July 21, 2022. A second error was noted in the July 21, 2022 NAPD publication.

Before the second publishing error was resolved, the Applicant made changes to the technically complete LSA Application. These changes were received September 14, 2022. These changes reduced the requested waste acceptance hours to 5:00 a.m. to 7:00 pm, Monday through Friday, and 6:00 a.m. to 5:00 p.m. on Saturday; and operating hours to 5:00 a.m. to 9:00 p.m., Monday through Friday, and 6:00 a.m. to 6:00 p.m. on Saturday; and allows Caldwell County residents to dispose of waste under certain situations at no charge. A revised NAPD and revised Spanish NAPD were prepared and mailed on October 11, 2022. The revised NAPD was published on October 12, 2022 in the *Austin American-Statesman* and on October 13, 2022 in the *Lockhart Post-Register*. The revised Spanish NAPD was published on October 13, 2022 in *El Mundo*, in Caldwell County, Texas.

The comment period for the LSA Application ended on November 14, 2022.

To determine whether to hold a public meeting for an application, the Executive Director considered the factors set forth in Title 30 of the Texas Administrative Code (TAC), Section 39.501. According to 30 TAC §39.501(e)(1)(B), the Executive Director will hold a public meeting on the request of a member of the legislature who represents the general area in which the facility is proposed to be located or when there is substantial public interest in the proposed facility. Significant public interest exists if a request for a public meeting is filed by: a group of ten or more local residents, property owners, or business located in the general area of the proposed facility request a public meeting, a local government entity with jurisdiction over the location at which the facility is proposed to be located by formal resolution of the entity's governing body; a council of governments with jurisdiction over the location at which

the facility is proposed to be located by formal request of either the council's solid waste advisory committee, executive committee, or governing board; or a homeowners' or property owners' association formally organized or chartered and having at least ten members located in the general area in which the facility is proposed to be located. The Executive Director received one public meeting request on this application. Based on these factors, the Executive Director did not to hold a public meeting on the LSA Application.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application." Texas Water Code (TWC) § 5.115(a-1)(2)(B).

C. ACCESS TO RULES, LAWS, AND RECORDS

Rules and Laws applicable to this application are accessible at the following URLs:

- The Texas Secretary of State hosts official versions of the Texas Administrative Code: www.sos.state.tx.us.
- TCEQ hosts rules under Title 30 Texas Administrative Code: www.sos.state.tx.us/tac/ (select "TAC Viewer" at the bottom of the page).
- The Texas Legislative Council hosts official versions of Texas statutes: www.statutes.legis.state.tx.us.
- The U.S. Government's Publishing Office hosts Federal environmental laws and Federal rules including those under Title 40 Code of Federal Regulations (relating to Protection of the Environment): www.gpo.gov.
- Federal rules in Title 40 of the Code of Federal Regulations are available at the EPA's public webpage at epa.gov/laws-regulations/regulations.
- Federal environmental laws are available at the EPA's public webpage at epa.gov/laws-regulations/laws-and-executive-orders.
- General information about TCEQ can be found at the Commission's public webpage at tceq.texas.gov.
- Some documents located in the Office of the Chief Clerk may also be located on the Commissioner's Integrated Database at: <https://www14.tceq.texas.gov/epic/eCID/>.
- General information about TCEQ and information about the municipal solid waste permitting process is available at the Commission's public webpage at tceq.texas.gov.

- Information about the municipal solid waste permitting process is available from the TCEQ Public Education Program at 1-800-687-4040.

Commission records for this application and Draft Permit are available for viewing and copying in the Office of the Chief Clerk at the TCEQ's main office in Austin at 12100 Park 35 Circle, Building F, 1st Floor. Some documents located in the Office of the Chief Clerk may also be located on the Commissioner's Integrated Database at: <https://www14.tceq.texas.gov/epic/eCID/>.

II. COMMENTS AND RESPONSES

COMMENT 1: NOTICE

Marissa Perales, representing Environmental Protection in the Interest of Caldwell County (EPICC), noted errors in the NAPD publications in the *Austin American-Statesman* on June 15, 2022 and July 21, 2022.

RESPONSE 1:

The Executive Director agrees that the NAPD publications in the *Austin American-Statesman* on June 15, 2022 and July 21, 2022 were missing information. The first publication was missing a weblink to provide public comments electronically and a link to the Commissioner's Integrated Database (CID). The second publication in the *Austin American-Statesman* provided the public comment weblink but did not include the CID weblink. Before the second publishing errors could be resolved, the Applicant submitted changes to the technically complete LSA Application that reduced the requested waste acceptance and operating hours. A revised NAPD and Spanish NAPD were mailed on October 11, 2022. The revised NAPD was published on October 12, 2022 in the *Austin American-Statesman* and on October 13, 2022 in the *Lockhart Post-Register*. The revised Spanish NAPD was published on October 13, 2022 in *El Mundo*, in Caldwell County, Texas. The published revised NAPDs included the previously missing weblinks. The public comment period ended November 14, 2022.

The Executive Director has preliminarily determined that notice was provided in accordance with 30 TAC §39.501(d).

COMMENT 2: HEARING ON ORIGINAL APPLICATION

Group 3, Robert and Claudia Brown, the Capitol Area Council of Governments (CAPCOG), EPICC, Leslie Holder, the King Family Trust, and Frank Sughrue noted that after the hearing for the original application, the Administrative Law Judges (ALJs) recommended that the facility be limited to the hours specified in 30 TAC §330.135(a). CAPCOG and EPICC noted that the Commission appeared to agree with the recommendation on operating hours from the ALJs and noted that no justification was provided in the original application for hours beyond the hours specified in 30 TAC §330.135(a). EPICC, Byron Friedrich, Patton King, and the King Family Estate maintained their objection to the proposed operating and waste acceptance hours made in the changes to the technically complete LSA Application.

RESPONSE 2:

While §330.135(a) establishes operating and waste acceptance hours, it also allows hours beyond these specified hours, if approved by the Executive Director. Alternative hours beyond those listed in 30 TAC §330.135(a) may be requested through a limited-scope amendment, as specified in 30 TAC §305.62(j)(2)(B).

While the ALJs in the hearing for the original application recommended the hours specified in 30 TAC §330.135(a) and the original permit was issued using the hours specified in 30 TAC §330.135(a), no rule or statute prevents a permittee from requesting expanded hours after ALJs in a previous hearing have made specific recommendations.

The LSA Application proposed twenty-four hours operations but on September 14, 2022, the Applicant requested changes to the technically complete LSA Application to reduce the requested waste acceptance hours to 5:00 a.m. to 7:00 p.m., Monday through Friday, and 6:00 a.m. to 5:00 p.m. on Saturday; and operating hours to 5:00 a.m. to 9:00 p.m., Monday through Friday, and 6:00 a.m. to 6:00 p.m. on Saturday. The LSA Application Narrative indicated that “the addition of Saturday operating hours will provide available weekend disposal, including for individuals who, for work or other reasons may be unable to get to the landfill on weekdays, and for businesses (restaurants, grocery stores, etc.) needing waste collection and disposal services on Saturday. Authorizing waste acceptance hours to begin at 5 am (6 am on Saturday) will allow vehicles collecting waste in the very early morning hours to get their first loads of the day to the landfill and return to their collection routes before the peak morning traffic times for persons travelling to work, students travelling to schools, and others travelling on area roadways, thereby reducing peak hour traffic on roadways providing access to the landfill.”

The Executive Director has reviewed the LSA and preliminarily determined that it satisfies the regulatory requirements regarding operating hours for the proposed facility.

COMMENT 3: CAPCOG REVIEW

Betty Voights, Executive Director of CAPCOG, submitted a comment noting that they would be providing a conformance review of the LSA Application against their Regional Solid Waste Management Plan (RSWMP). Subsequently they submitted a comment stating that the LSA Application does not conform to the CAPCOG 2002-2022 Regional Solid Waste Management Plan. This CAPCOG finding was noted by EPICC.

RESPONSE 3:

CAPCOG revised its findings in a letter dated October 20, 2022. This letter indicates that the CAPCOG Executive Committee met on October 12, 2022 and made a determination of conformance. The COG made this determination after the Applicant self-initiated changes to the technically complete LSA Application and republished public notice for this application. The LSA Application was revised to request waste acceptance hours of 5:00 a.m. to 7:00 p.m., Monday through Friday, and 6:00 a.m. to 5:00 p.m. on Saturday; and operating hours to 5:00 a.m. to 9:00 p.m., Monday through Friday, and 6:00 a.m. to 6:00 p.m. on Saturday.

COMMENT 4: RESPONSE TO COMMENTS FOR 2006 RULE REVISIONS

Robert and Claudia Brown, Leslie Holder, the King Family Trust, and Frank Sughrue indicated that during Chapter 330 rule revisions in 2006, the response to comments addressing 30 TAC §330.135 indicated that “the rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas.”

RESPONSE 4:

In accordance with 30 TAC § 330.135(a) (relating to Facility Operating Hours), an application for a MSW landfill facility must include a site operating plan that specifies the waste acceptance and operating hours for when a facility will transport materials on or off-site, as well as the hours for when a facility will operate heavy equipment.

The LSA Application indicates that the landfill would be open for waste acceptance from 5:00 a.m. to 7:00 p.m., Monday through Friday, and 6:00 a.m. to 5:00 p.m. on Saturday. The LSA Application indicates that non-waste acceptance site operations at the facility would be from 5:00 a.m. to 9:00 p.m., Monday through Friday, and 6:00 a.m. to 6:00 p.m. on Saturday. These operations include construction, earthmoving, monitoring, and other non-waste acceptance activities.

The LSA would require the facility to maintain these days and hours of operation and to post them on signs at entrances of the facility that receive waste, as required under 30 TAC § 330.137. Representations regarding days and hours of operation included in the application are incorporated by reference into the permit and would become enforceable upon issuance of the amended permit.

The Executive Director has received no information to justify restricting these proposed operating hours. The Executive Director has reviewed the LSA and preliminarily determined that it satisfies the regulatory requirements regarding operating hours for the proposed facility.

If the amendment is issued authorizing the proposed hours, then individuals would be encouraged to report any concerns regarding suspected noncompliance with the terms of the permit or other TCEQ authorization or applicable environmental regulation to the Region 11 TCEQ Office in Austin, Texas at 512-339-2929. Individuals may also file complaints online at tceq.texas.gov/compliance/complaints or by phone at 1-888-777-3186.

COMMENT 5: NEED AND JUSTIFICATION FOR EXTENDED HOURS

Robert and Claudia Brown, Byron Friedrich, Leslie Holder, and the King Family Trust commented that the expansion of hours was not needed. This comment was reiterated by Byron Friedrich and the King Family Trust after changes to the technically complete LSA Application reduced the requested hours expansion. Robert and Claudia Brown, CAPCOG, EPICC, Byron Friedrich, Leslie Holder, the King Family Trust, and Frank Sughrue indicated that no justification was provided for expanded hours. CAPCOG refuted the Applicant's claim that additional operating hours would enable 130 Environmental Park to better assist local communities to address disasters or other emergency situations.

RESPONSE 5:

MSW rules allow an applicant to request expansion of operating hours beyond those specified in 30 TAC §330.135 through a limited-scope amendment under 30 TAC §305.62(j)(2)(B). In accordance with 30 TAC § 330.135(a) (relating to Facility Operating Hours), an application for a MSW landfill facility must include a site operating plan that specifies the waste acceptance and operating hours for when a facility will transport materials on or off-site, as well as the hours for when a facility will operate heavy equipment.

The LSA application indicates that the landfill would be open for waste acceptance from 5:00 a.m. to 7:00 p.m., Monday through Friday, and 6:00 a.m. to 5:00 p.m. on Saturday. The LSA Application indicates that non-waste acceptance site operations at the facility would be from 5:00 a.m. to 9:00 p.m., Monday through Friday, and 6:00 a.m. to 6:00 p.m. on Saturday. These operations include construction, earthmoving, monitoring, and other non-waste acceptance activities.

The revised LSA Application narrative indicates that "the addition of Saturday operating hours will provide available weekend disposal, including for individuals who, for work or other reasons may be unable to get to the landfill on weekdays, and for businesses (restaurants, grocery stores, etc.) needing waste collection and disposal services on Saturday. Authorizing waste acceptance hours to begin at 5 a.m. (6 a.m. on Saturday) will allow vehicles collecting waste in the very early morning hours to get their first loads of the day to the landfill and return to their collection routes before the peak morning traffic times for persons travelling to work, students travelling to schools, and others travelling on area roadways, thereby reducing peak hour traffic on roadways providing access to the landfill."

The Executive Director has received no information to justify restricting these proposed operating hours. The Executive Director has reviewed the LSA and preliminarily determined that it satisfies the regulatory requirements regarding operating hours for the proposed facility.

COMMENT 6: TRAFFIC

Robert and Claudia Brown, Leslie Holder, the King Family Trust, and Frank Sughrue expressed concerns that the proposed hours would create traffic issues,

especially at 7:00 a.m. on weekdays because of nearby schools and residents travelling to work.

RESPONSE 6:

The facility is currently authorized to accept waste from 7:00 a.m. to 7:00 p.m., Monday through Friday and to operate from 5:00 a.m. to 9:00 p.m., Monday through Friday. For this reason, traffic impacts associated with the landfill at 7:00 a.m. on weekdays are not expected to change because of these proposed waste acceptance and operating hour changes.

In accordance with 30 TAC §330.61(i), an application for an MSW landfill permit must include data on access roads for the proposed facility, including: availability and adequacy of roads that the owner or operator will use to access the site; volume of vehicular traffic on access roads within one mile of the proposed facility, both existing and expected, during the expected life of the facility; and projections on the volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility.

The original application for 130 Environmental Park included a traffic study supplying the required traffic data, including proposed road improvements, in Part II, Appendix IIC and discussed in Part II, Section 9.1. This traffic study provided information and data for traffic based on operations 24 hours per day, seven days per week. The traffic study was submitted to the Texas Department of Transportation (TxDOT) for recommendations on roadway improvements needed to handle expected traffic. Coordination documents with TxDOT, required under 30 TAC §330.61(i)(4) and presuming operations 24 hours per day, seven days per week, were provided in Part II, Appendix IIC of the original application. The traffic study recommended a 660-foot deceleration lane (a 560-foot deceleration length and a 100-foot storage length) on U.S. Highway 183 northbound and no acceleration lane. TxDOT responded that the proposed access mitigation was satisfactory and that no other issues remain. The rules provide for consideration of roads that serve as access roads to and from the facility. The traffic study concluded that with proposed changes, U.S. Highway 183 will be adequate to handle predicted volumes of site traffic throughout the life of the facility. 130 Environmental Park was required to build the deceleration lanes before opening the facility.

Consideration of whether local buses traverse these roads is not required under MSW rules; however, their presence are part of expected traffic counts.

The Executive Director has reviewed the LSA Application and preliminary determined that it satisfies the regulatory requirements regarding transportation and traffic under 30 TAC §330.61(i).

COMMENT 7: PROPERTY VALUES AND LIGHT POLLUTION

Susan Lane raised a concern that the proposed landfill will affect property values.

Group 2, Group 3, CAPCOG, EPICC, the King Family Trust, and Susan Lane raised a concern regarding the likelihood of light pollution from the proposed facility. Comments from EPICC and the King Family Trust were reiterated after the changes to the technically complete LSA Application were submitted.

RESPONSE 7:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider the impact of the facility on property values or of light pollution when determining whether to approve or deny a permit application.

COMMENT 8: ODORS, NOISE, AND NUISANCE

Group 3, Robert and Claudia Brown, EPICC, Leslie Holder, the King Family Trust, and Frank Sughrue noted a concern that the proposed landfill will cause odors. This comment was reiterated by EPICC and the King Family Trust after changes to the technically complete LSA Application were received.

Group 2, Group 3, Robert and Claudia Brown, CAPCOG, EPICC, Byron Friedrich, Leslie Holder, the King Family Trust, Susan Lane, and Frank Sughrue provided concerns that operations during the expanded would cause noise. Comments from EPICC, Byron Friedrich, and the King Family Trust were reiterated after the changes to the technically complete LSA Application were submitted.

The Caldwell County Commissioners Court submitted Resolution 32-2022. This resolution opposed extending the operating hours of the 130 Environmental Park landfill and that extending the 130 Environmental Park hours would result in nuisance conditions. This resolution was referenced in comments by Group 2 and Susan Lane.

RESPONSE 8:

MSW rules under 30 TAC §330.149 require that an application include an odor management plan that must identify wastes and activities that are more likely to cause odors and how odors will be mitigated. This information is provided in Part IV, Section 8.10 of the original permit and will not be changed by the LSA Application, if approved.

Nuisances, which are defined by 30 TAC §330.3(97) to include odors, are prohibited under 30 TAC §330.15(a)(2). Although MSW rules do not set specific limits on noise generated by landfill operations, MSW facilities are prohibited from causing a nuisance under 30 TAC §330.15(a)(2). If odor or other activities from the facility create a nuisance, please report the issue to the TCEQ Region 11 office in writing or in person at 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753, or by telephone at (512) 339-2929 or toll-free at 1-888-777-3186. Citizen complaints may also be filed online at <https://www.tceq.texas.gov/compliance/complaints>.

COMMENT 9: EXPANSION OF OPERATIONS

EPICC indicated that the LSA Application appears to expand the types of operations that may be conducted during non-waste acceptance hours.

RESPONSE 9:

The proposed language in the LSA Application SOP indicates that “site operations include construction, material delivery, maintenance, heavy equipment operations, transportation of construction material, and other non-waste operations.” These details are consistent with the definition provided in 30 TAC §330.3(100), which states that operating hours are the hours when the facility is open to receive waste, operate heavy equipment, and transport materials on- or off-site. The Executive Director has reviewed the LSA Application and determined that proposed language in the SOP satisfies the regulatory requirements.

COMMENT 10: SUPPORT OF THE LANDFILL

Group 1 noted that they are in favor of the proposed landfill or support the project.

RESPONSE 10:

This support is noted and documented by this Response.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS

The Applicant self-initiated changes to the technically complete LSA Application that reduced the requested waste acceptance and operating hours. The LSA Application and draft limited-scope amendment comply with all applicable regulatory and statutory permitting requirements. No other changes were made to the LSA Application or draft amendment in response to comments received.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel
Interim Executive Director

Erin E. Chancellor, Director
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on August 17, 2023, the Executive Director's Response to Public Comments for Municipal Solid Waste Permit No. 2383 was filed with the TCEQ's Office of the Chief Clerk.

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

Anthony Tatu, Staff Attorney
Environmental Law Division