

TCEQ DOCKET NO. 2023-1585-MSW

APPLICATION BY WASTE	§	BEFORE THE
CORPORATION OF TEXAS, L.P.	§	TEXAS COMMISSION
FOR MUNICIPAL SOLID WASTE	§	ON
PERMIT NO. 1586B	§	ENVIRONMENTAL QUALITY

APPLICANT’S RESPONSE TO REQUEST FOR HEARING

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

COMES NOW, Waste Corporation of Texas, L.P. (Applicant or WCT), which has filed a major amendment application for a lateral and vertical expansion of its Greenbelt Landfill, a Type IV municipal solid waste landfill facility and submits this, its response to hearing request regarding that application. Applicant respectfully requests that the Commission deny the hearing request and shows the following:

I. FACILITY DESCRIPTION AND BACKGROUND

The Greenbelt Landfill (the Landfill or the Facility) is an existing Type IV municipal solid waste (MSW) permitted landfill located at 550 Old Genoa-Red Bluff Road, Houston, Harris County, 77034. The Landfill is currently permitted under MSW Permit No. 1586A. In November 2021, WCT filed a major amendment application for a lateral and vertical expansion of the Landfill (the Application). This proposed expansion will provide future disposal capacity for Harris County and City of Houston residents and businesses as well as the surrounding communities. The Executive Director of the Texas Commission on Environmental Quality (TCEQ) has completed

its technical review and prepared a draft permit for the Application. Only one individual requested a hearing.

II. GOVERNING LAW

TCEQ rule provisions at 30 TAC § 55.201(b)-(d) set out the basic requirements for a request for contested case hearing. The request must demonstrate that the requestor is an “affected person,” request a contested case hearing, 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 list any disputed issues of law.

A hearing request must substantially comply with the requirements of 30 TAC § 55.201(d), by identifying “the person’s personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor’s location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public.”

An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by an application. 30 Tex. Admin. Code § 55.203(a). In determining whether a person is an affected person, the TCEQ considers the following factors:

- (1) whether the interest claimed is one protected by the law which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person;
- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application. 30 Tex. Admin. Code § 55.203(c).

As discussed below only one individual requested a hearing, but the requestor did not identify any personal justiciable interest affected by the Application, did not file any comments during the comment period, and did not list any disputed issues of fact.

III. REQUESTOR IS NOT AN AFFECTED PERSON

Only one person, an individual, filed a request for hearing in this docket. To the extent the TCEQ considers that filing a request for a contested case hearing, Applicant respectfully requests that the request be denied for the reasons provided below:

Sigifredo Ruiz. It is not clear whether Mr. Sigifredo Ruiz (Requestor) intended to request a contested case hearing or a public meeting. His request for “a public hearing to discuss this matter” was filed on March 23, 2023, several months before the Executive Director’s Responses to Comments. Regardless, Mr. Ruiz is not an “affected person” with respect to WCT’s Application. Requestor has not identified any personal justiciable interest or explained how and why he will be affected by the Application. Instead, Requestor has simply commented that “[w]e are NOT ok

with this expansion” and that “[s]everal hundred households in my neighborhood alone need their voice heard.” While the address provided by Mr. Ruiz appears to be within one mile of the Landfill, the request does not demonstrate how he is affected in a manner not common to the general public. See map attached as Attachment 1. Because the Requestor did not show how he is an “affected person”, the request does not satisfy applicable regulatory requirements in 30 TAC § 55.201(d) and should be denied.

IV. NO ISSUES PRESENTED

Requestor did not list any relevant and material disputed issues of fact related to the Application. See 30 TAC § 55.201(d)(4)(B). The request does not raise any issues and similarly does not refer to any prior comments from the Requestor because none were filed. Requestor simply states that “[We] are NOT ok with this expansion.” Requestor makes no attempt to elaborate or state relevant, material grounds for which he is entitled to a hearing. Simply stating one is “not okay with an expansion” does not meet the requirements found in 30 TAC § 55.201(b)-(d). Accordingly, WCT requests that the TCEQ deny Mr. Ruiz’s request because he failed to list any issues or file comments.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Waste Corporation of Texas, L.P., respectfully requests that, pursuant to 30 TAC §§ 55.211(b)(2), 50.113(c), and 50.117(a), the TCEQ deny the hearing request filed by Mr. Sigifredo Ruiz, grant the Application, and issue Permit No. 1586B in the form of the draft permit prepared by the Executive Director.

Respectfully submitted,

By: /s/ Paul R. Tough

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CERTIFICATE OF SERVICE

I certify that on January 29, 2024, a true and correct copy of the foregoing Applicant Waste Corporation of Texas, L.P.'s Response to Request for Hearing, was filed via TCEQ's eFiling System in TCEQ Docket No. 2023-1585-MSW and served on the persons on the attached mailing list via TCEQ's eFiling System, via email, and/or First Class U.S. Mail.

s/ Paul Tough

Paul R. Tough

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TCEQ Docket No. 2023-1585-MSW; MSW Permit No. 1586B

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Attachment 1



**MSW Permit Application 1586B
Waste Corporation of Texas, L.P.
Greenbelt Landfill**