

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 30, 2024

TO: All interested persons.

RE: Hill Country Waste Solutions, L.L.C.
MSW Permit No. 2419

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Mammen Family Public Library, 131 Bulverde Crossing, Bulverde, Texas 78163. The permit application may be viewed online at <https://www.hcwastesolutions.com/transfer>.

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,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Hill Country Waste Solutions, L.L.C.
MSW Permit No. 2419

The Executive Director has made the Response to Public Comment (RTC) for the application by Hill Country Waste Solutions, L.L.C. for MSW Permit No. 2419 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 (2419) 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, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Mammen Family Public Library, 131 Bulverde Crossing, Bulverde, Texas 78163. The permit application may be viewed online at <https://www.hcwastesolutions.com/transfer>.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

30 de julio de 2024

TO: Todas las personas interesadas.

RE: Hill Country Waste Solutions, L.L.C.
MSW Permiso No. 2419

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, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de la Familia Mammen, 131 Bulverde Crossing, Bulverde, Texas 78163. La solicitud de permiso se puede ver en línea en <https://www.hcwastesolutions.com/transfer>.

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
Hill Country Waste Solutions, L.L.C.
MSW Permiso No. 2419

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Hill Country Waste Solutions, L.L.C. del permiso de MSW No. 2419. 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 (2419) 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, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de la Familia Mammen, 131 Bulverde Crossing, Bulverde, Texas 78163. La solicitud de permiso se puede ver en línea en

<https://www.hcwastesolutions.com/transfer..>

MAILING LIST / LISTA DE CORREO
for / para
Hill Country Waste Solutions, L.L.C.
MSW Permit No. 2419 / MSW Permiso No. 2419

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Karlis Ercums IV, President
Hill Country Waste Solutions, L.L.C.
P.O. Box 960
Spring Branch, Texas 78070

INTERESTED PERSONS /
PERSONAS INTERESADAS:

See attached list / Ver lista adjunta.

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

Frank Zeng, Technical Staff
Texas Commission on Environmental
Quality
Waste Permit Division MC-124
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

AUMEIER , HELEN
192 BREEZY OAK RD
SPRING BRANCH TX 78070-6359

DONALDSON , GRANT
152 WINDING MEADOW LN
SPRING BRANCH TX 78070-6448

RUIZ , MR ALEJANDRO
3218 BUCK MEADOW TRL
SPRING BRANCH TX 78070-6390

CAMPBELL , THE HONORABLE DONNA STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 25
RM 3E.8
PO BOX 12068
AUSTIN TX 78711-2068

LEE III , JAMES B
181 BREEZY OAK RD
SPRING BRANCH TX 78070-6359

RUIZ , SILVIA
3218 BUCK MEADOW TRL
SPRING BRANCH TX 78070-6390

CAMPBELL , THE HONORABLE DONNA STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 25
SUITE 105
229 HUNTERS VLG
NEW BRAUNFELS TX 78132-5313

LEE , RUTH A
181 BREEZY OAK RD
SPRING BRANCH TX 78070-6359

TCEQ MUNICIPAL SOLID WASTE NO. 2419

PERMIT APPLICATION BY	§	BEFORE THE
HILL COUNTRY WASTE	§	
SOLUTIONS, L.L.C.	§	TEXAS COMMISSION
FOR NEW MUNICIPAL SOLID	§	
WASTE PERMIT NO. 2419	§	ON ENVIRONMENTAL QUALITY

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 an application received from Hill Country Waste Solutions, L.L.C. (Hill Country, Applicant) for new Municipal Solid Waste (MSW) Permit No. 2419. 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, whether withdrawn or not withdrawn. The Executive Director received comments from James Lee, Ruth Lee, Donna Campbell, Grant Donaldson Helen Aumeier, Silvia Ruiz, and Alejandro Ruiz.

This Response addresses all timely public comments received, whether withdrawn or not withdrawn, regarding the Application. If you need more information about this Application or the MSW permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found on our website at www.tceq.texas.gov.

I. PROCEDURAL BACKGROUND

The application was received on May 19, 2023 and declared administratively complete on July 7, 2023. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published on July 22, 2023 in the *Herald-Zeitung*. The Executive Director completed the technical review of the application on March 14, 2024 and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published on March 22, 2024 in the *Herald-Zeitung*. A public meeting was held on April 4, 2024. The public comment period ended on April 22, 2024. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature (1999) and Senate Bill 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

Hill Country, an MSW management company, has applied to the TCEQ for a permit to authorize the proposed Spring Branch Transfer Station, a MSW processing facility, to accept, store and transfer municipal household waste, commercial solid waste, construction debris, and treated and de-watered sewage sludge. The Spring Branch Transfer Station will be located at 11301 U.S. Highway 281 North, Spring Branch, Texas 78070-6301.

II. ACCESS TO RULES AND LAWS

Rules and Law 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;
- TCEQ’s public website provides a link to TCEQ rules under Title 30 Texas Administrative Code at SOS TAC Viewer and hosts unofficial versions of Title 30 Texas Administrative Code in downloadable Adobe PDF format: www.tceq.texas.gov/; and
- 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.

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. To obtain documents located in the Office of the Chief Clerk, please leave a voicemail at (512) 239-3300 and someone will return your call within 24 hours. 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/>.

III. COMMENTS AND RESPONSES

Comment 1 General Opposition: The Executive Director received comments generally objecting to the transfer station facility. Ruth Lee, James Lee, Grant Donaldson, Helen Aumeier, Silvia Ruiz, and Alejandro Ruiz expressed concern that the facility would negatively impact the environment, negatively impact the quality of life of residents and the recreational areas, and create nuisances.

Response 1: The Texas Solid Waste Disposal Act (TSWDA) in Chapter 361 of the Texas Health and Safety Code (THSC) and 30 TAC Chapter 330 were promulgated to protect human health and the environment. The role of the TCEQ is to ensure that authorized facilities are designed, constructed, and operated according to applicable rules that protect human health and the environment.

The application includes how the facility will meet regulatory requirements. This includes information on daily operations, facility design and layout, stormwater management, waste acceptance and handling procedures, spill and litter prevention, and other items to demonstrate compliance with regulations.

The Executive Director has reviewed the application and preliminarily determined that the facility operated according to the permit provisions, the TSWDA, and 30 TAC Chapter 330, would adequately protect human health and the environment and prevent adverse health and environmental impacts.

Comment 2 Odors: Alejandro Ruiz, Grant Donaldson, and Helen Aumeier expressed concerns about potential odors generated by the proposed facility. Alejandro Ruiz requested information about how odor nuisance would be mitigated and what resources would be available for the nearby residents to address the odor issues.

Response 2: 30 TAC §330.245 requires that the facility be operated in a way that prevents the occurrence of nuisance odor conditions. Odor nuisance prevention and control measures are incorporated into the facility design and operation (Part III, Site Development Plan; and Part IV, Site Operating Plan).

Most waste handling activities at the proposed transfer station will occur inside the transfer station building. The proposed building will be covered by a roof and enclosed on three sides by metal walls, with roll-up doors on the fourth side (the front). Furthermore, 30 TAC §330.245 requires on-site buffer zones for odor control and 30 TAC §330.543 prohibits unloading, storage, or processing of waste within a buffer zone.

Most of the waste to be received at this transfer station will be from the collection trucks operated by the company owned by the Applicant. The Applicant does not plan to collect food waste. If the received wastes contain significant amount of food waste, the food waste will be separated and stored in sealed containers. Treated and de-watered sewage sludge will be stored inside the proposed transfer station building. Wastes received into the proposed facility are typically transferred out for disposal as rapidly as possible. Under normal operational conditions, wastes will be dispatched to the landfill at least once a day. Wastes in covered, sealed, and leak proof transfer trailers will be parked in the trailer parking area outside of the transfer station building when the filled trailers cannot be immediately hauled away for disposal at a landfill. If on-site waste storage is necessary, it will be limited to no longer than 72 hours.

Facility personnel will perform daily inspection throughout the facility to pick up debris and spilled waste. The working floor inside the transfer building will be washed at least twice a week and more often if odors occur. Wash water will be collected and stored in a holding tank in the transfer station building before being removed and transported to TCEQ approved wastewater treatment facility. Cleaning and maintenance of mobile waste processing unit equipment will be performed each day of operation to reduce odors.

If nuisance odor is migrating across the facility permit boundary, the operator will take necessary actions to mitigate the conditions. This may include hauling odor emitting waste loads, closing the doors, and suspending the operation until the nuisance is abated. The Executive Director has reviewed the Application and determined that it satisfies the rule requirements regarding odor control.

Individuals are encouraged to report any concerns regarding odor to the TCEQ Region 13 Office at 210-490-3096, the toll-free Environment Violation Hotline at 1-888-777-3186, or online at <https://www.tceq.texas.gov/compliance/complaints>.

Comment 3 Location Concerns: Grant Donaldson was concerned about the proposed transfer station being located near a park and nearby residences.

Response 3: The Executive Director reviewed the application and preliminarily determined that the application complies with all applicable land use requirements. In accordance with 30 TAC §330.61(h), an owner or operator must provide information regarding the likely impacts of the proposed changes to the facility on cities, communities, groups of property owners, or individuals by analyzing the land uses, zoning in the vicinity, community growth patterns, water wells, and other factors associated with the public interest.

The proposed Spring Branch Transfer Station is located within the incorporated limits of the City of Spring Branch. Section 8.1 of Part II of the application states that the City of Spring Branch does not currently have a zoning ordinance. Other information required by 30 TAC §330.61(h) is also contained in Part II, Section 8 (Impact on Surrounding Area) of the application. The surrounding land within one mile of the site is used for undeveloped areas (56.4%), residential areas (24.7%), commercial areas (2.6%), RV parks (4.7%), recreational areas (2.4%), roadways (7.1%), churches (0.8%), government (0.1%), and water features/ponds (0.1%). The application states that no specific growth projections are available for the immediate area within five miles of the facility. The surrounding area land use within one mile includes residential areas (24.7%) with the nearest residence approximately 1,200 feet from the west boundary of the site. A commercial garden center borders the site on the north side. One church is located about 1,500 feet north of the project site.

30 TAC Subchapter M (Location Restrictions) contains location restrictions that an MSW facility must conform in siting the facility. One of the location restrictions is that there shall be a minimum separating distance of 50 feet between waste management activities and the permitted transfer facility boundary. The proposed transfer station facility meets the minimum separation requirement. Information provided in Part II of the application has demonstrated compliance with all location restrictions under 30 TAC Subchapter M.

Apart from the land use compatibility requirements and the location restrictions in the rules referenced above, TCEQ does not have the authority to specify the location of the facility, determine zoning ordinances, or to suggest an alternative location.

Comment 4 Noise: Grant Donaldson and Helen Aumeier were concerned about noise from the proposed facility.

Response 4: 30 TAC §330.239 requires use of screening or other measures to minimize noise pollution. 30 TAC §330.543 requires a minimum separating distance of 50 feet between solid waste processing activities and the boundary of the site, which will decrease the likelihood of noise pollution. As illustrated on Drawing 2 of 2 in Part II of the application, the smallest separating distance from the proposed transfer station operations (the north corner of the transfer station building) is about 100 feet from the facility boundary. Waste transfer operations will be performed entirely inside the transfer station building. The proposed transfer station building is designed to be covered by a roof and enclosed on three sides by metal walls. The fourth side can be closed by the roll-up doors. Transferring waste inside the transfer station building will significantly reduce the operational noise from the site. The Executive Director has preliminarily determined that the application has demonstrated compliance with the above referenced rules on noise pollution.

Comment 5 Windblown Waste: Grant Donaldson was concerned about windblown debris/waste from operation of the transfer station.

Response 5: 30 TAC §330.233 and §330.235 require procedures to be implemented for prevention and control of windblown materials and litter at the facility and along the public access roads that serve the facility. Sections 17 and 18 in the Site Operating Plan includes procedures to meet the regulatory requirements. Facility personnel will take steps to ensure that all waste hauling vehicles are covered to prevent waste spill on the access road and at the site. All waste handling activities will take place inside the enclosed transfer station building or in the covered/sealed transfer trailers. The entire

transfer station will be enclosed within intruder-resistant fencing and lockable gate, which will help prevent windblown waste from spreading into the adjacent lands. On a daily basis, the facility personnel will pick up debris/spilled waste on the site and along the public access roads within two miles from the site entrance.

Comment 6 Visual Impact: Grant Donaldson was concerned about the visual impact the proposed transfer station may have on the nearby sports park.

Response 6: 30 TAC §330.239 requires use of screening or other measures to minimize adverse visual impacts. At the proposed waste transfer station, all waste handling activities (except for temporary waste holding in the covered trailers parked at the trailer park area) will take place inside the transfer station building. The transfer trailers filled with waste and parked outside the transfer building will be covered and sealed. The transfer building's front (the side with roll-up doors) faces southeast while the Sports Park is located southwest of the transfer station building on the land adjacent to the site boundary. The distance from the building front to the facility southwest boundary in the Sports Park direction is over 200 feet, meeting the 50 feet buffer required by the rule [30 TAC §330.543(b)(1)]. There will be no exposed wastes outside the transfer station building. Section 20 of the Site Operating Plan indicates that additional visual screening will be provided by existing brush and trees which will be maintained. If constructed and operated as specified in the application and the permit conditions, the facility is expected to meet the requirements on visual screening.

Comment 7 Pests: Helen Aumeier asked if there will be control for pests.

Response 7: Section 26 of the Site Operating Plan includes measures for pest/vector control. Pests/vectors will be controlled through proper daily operations. The proposed operation activities include waste transfer within the transfer building, food waste storage in covered containers, frequent cleaning of the working floor, collection/storage of contaminated water in an enclosed tank, and daily pickup of spilled waste. If necessary, a licensed professional will apply pesticides for control of pests/vectors. These proposed activities meet relevant requirements under 30 TAC §330.63(b)(3), §330.63(d)(1)(A), and Chapter 330, Subchapter E.

Comment 8 Air and Water Quality: Helen Aumeier requested annual checks on air and water quality to ensure health safety.

Response 8: Sections 6 and 23 of the Site Operating Plan include measures the facility will follow to prevent water and air pollution. The facility will comply with all applicable water and air permitting requirements. The Executive Director has preliminarily determined that the application complies with the regulations related to air and surface water protection within the MSW rules.

Comment 9 Sewage Sludge: Helen Aumeier expressed concerns about sludge to be handled at the proposed facility.

Response 9: Per Section 1.2.6 of Part III (Site Development Plan) of the application, treated and de-watered municipal sewage sludge from local wastewater treatment plants will be accepted and stored in concrete sludge bins located inside the transfer station building. When full, the sludge will be transported to a TCEQ permitted beneficial use site. Storage of the sludge at this facility will not exceed 72 hours.

Section 4.1 of Part IV (Site Operating Plan) of the application states that Hill Country Waste Solutions is registered with the TCEQ as a sludge transporter (Sludge Transporter Registration No. 25980). Only Hill Country Waste Solutions' vehicles will transport sludge to and from this transfer station. Sludge from other transporters will not be accepted at the proposed facility. This application also states that sludge transport into and out of the transfer station, as well as sludge storage at this transfer station, will comply with the conditions of the transporter registration.

The Executive Director has preliminarily determined that the application complies with the regulations for sludge-related activities.

Comment 10 Water Quality: Helen Aumeier was concerned about water contamination and pollution.

Response 10: 30 TAC §330.207 and §330.227 includes general requirements on water pollution prevention and control at Type V MSW processing facilities. The proposed facility will conduct most waste handling activities inside the transfer station building. The floors within the building are concrete and sloped towards a sump where wash water from floor cleaning/washing will be collected and pumped into a holding tank located inside the building. The holding tank will be built with a secondary containment. Contaminated water stored in the tank will be periodically removed and transported to a TCEQ approved wastewater treatment facility.

The only waste handling activity expected to occur outside the transfer station building will be the temporary holding of wastes in transfer trailers at the trailer parking area, where they wait for being dispatched to the landfill for disposal. Only leak-proof transfer trailers will be used, and they will be covered and sealed while parked at the trailer parking area. Under normal operational conditions, filled transfer trailers will be immediately hauled away for disposal at approved landfill. The transfer trailers will be periodically cleaned at an offsite cleaning facility.

Section 6 of the Site Operating Plan states that the facility will not discharge contaminated water without prior approval from the TCEQ. The application does not include an authorization application for discharging contaminated water. Section 1 of Part II of the application states that the site will comply with the Texas Pollutants Discharge Elimination System (TPDES) stormwater permitting requirements.

The proposed facility site is located within the Edwards Aquifer Contributing Zone and is subject to the requirements of 30 TAC Chapter 213. The applicant is in the process to obtain the necessary approval from the TCEQ Edwards Aquifer Protection Program. The draft MSW Permit 2419 includes a special condition that the facility shall be constructed and operated in compliance with all applicable requirements imposed by the TCEQ Edwards Aquifer Protection Program for locating this facility in the contributing zone to the Edwards Aquifer.

The Executive Director expects that if the Permit is issued, the facility will be operated in accordance with 30 TAC Chapter 330 and that groundwater and surface water will be adequately protected.

Comment 11 Property Values: Helen Aumeier was concerned about decreased value of surrounding property.

Response 11: TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute and rules. Accordingly, TCEQ does not have jurisdiction to

consider property values or other economic impacts when determining whether to approve or deny a MSW permit application. However, the issuance of a permit does not authorize injury to persons or property or invasion of other property rights, or infringement of state or local law or regulation in accordance with 30 TAC §305.122(d).

Comment 12 Traffic: Helen Aumeier was concerned about increased traffic.

Response 12: In accordance with 30 TAC §330.61(i)(4), the applicant coordinated with the Texas Department of Transportation (TxDOT) for traffic and location restrictions. The response provided by TxDOT expressed no objection to the proposed facility and had given provisional approval for permit application of the access driveway connection from the site to U.S. Highway 281. To obtain traffic data required under 30 TAC §330.61(i), the applicant also consulted with the TxDOT Traffic Count Database System (TCDS) for travel data for Highway 281 near the site; the traffic data is included in Section 9.2.1 of Part II of the application.

Initially, the traffic generated by operation of the proposed transfer station is expected to account for 0.5% of traffic on the south bound Highway 281 and 0.2% of the total traffic on Highway 281. When the daily waste acceptance reaches the permitted maximum, the traffic generated by this facility is expected to account for 1.8% of traffic on the south bound Highway 281 and 1.0% of the total traffic on Highway 281. Section 9 of Part II of the application concludes that the operation of the Spring Branch Transfer Station is not expected to significantly increase the volume of the traffic on Highway 281.

Relevant traffic information is included in Section 9 of Part II of the permit application. Documentation of coordination with the TxDOT is contained in Attachment II-H of Part II of the permit application.

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements regarding traffic.

Comment 13 Air Pollution: Helen Aumeier was concerned about air pollution.

Response 13: TCEQ rules 30 TAC §330.245 and Chapter 330, Subchapter U contain requirements on air permitting and air pollution control that MSW transfer stations must comply. The proposed transfer station is subject to the air permitting requirements under 30 TAC §330.985(c) for a standard air permit or another air authorization under 30 TAC §330.985(d). The proposed facility is required to obtain the separate air authorizations. To comply with the waste storage limitation at a transfer station under 30 TAC §330.991(a)(2), Section 7 of Part IV of the application limits the maximum amount of waste remaining overnight at this facility to no more than 900 tons. Section 23 of the Site Operating Plan also includes measures the facility will follow to prevent air pollution. Section 23 states that operation of the proposed facility is not expected to cause air pollution as defined under the Texas Clean Air Act; however, if in the future, air pollution control devices are required, the permittee will comply with applicable TCEQ air regulations. Many design and operation measures proposed for this facility will help prevent and control air pollution (for example, but not limited to, handling waste in enclosed building, preventing water ponding, transporting waste in covered vehicles, and storing waste in the enclosed building). The public access road and the onsite roads will be all-weather roads; and dust is not expected to be a nuisance issue. If dust becomes an issue, the operator will use necessary means to control dust, such as spraying water for dust suppression.

Comment 14 Other Facilities Nearby: Silvia Ruiz asked if there are any connections between the a nearby water treatment plant under construction and this proposed Spring Branch Transfer Station.

Response 14: The Applicant is not required to disclose the relationship between the water treatment plant and the proposed transfer station as part of this application.

IV. CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS

No changes were made to the draft permit in response to comments received.

Respectfully submitted,

Texas Commission on Environmental Quality

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