

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

October 22, 2025

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Protestant

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Jesse Acosta
Protestant

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RDZ Paving
Protestant

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**RE: Docket Number 582-25-17366; TCEQ No. 2025-0209-MSW;
*Application of Waste Connections Lone Star, Inc. for Municipal Solid
Waste Permit No. 2420***

Dear Parties:

Please find attached a Proposal for Decision on Summary Disposition in this case.

Any party may, within 20 days after the date of issuance of the PFD, file exceptions or briefs. Any replies to exceptions, briefs, or proposed findings of fact shall be filed within 30 days after the date of issuance on the PFD. 30 Tex. Admin. Code § 80.257.

All exceptions, briefs, and replies along with certification of service to the above parties and the ALJ shall be filed with the Chief Clerk of the TCEQ electronically at <http://www14.tceq.texas.gov/epic/eFiling/> or by filing an original and seven copies with the Chief Clerk of the TCEQ. Failure to provide copies may be grounds for withholding consideration of the pleadings.

CC: Service List

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF WASTE CONNECTIONS LONE STAR, INC.
FOR MUNICIPAL SOLID WASTE PERMIT NO. 2420**

PROPOSAL FOR DECISION ON SUMMARY DISPOSITION

Waste Connections Lone Star, Inc. filed an application (Application) with the Texas Commission on Environmental Quality (Commission or TCEQ) for new Municipal Solid Waste Permit No. 2420 to construct and operate a new Type V transfer station in Bexar County, Texas. The Administrative Law Judge (ALJ) granted Applicant's motion for summary disposition and recommends the draft permit (Draft Permit)¹ be issued.

¹ Ex. AR-4 at 0001-00018.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

No party has challenged notice or jurisdiction, which are addressed in the proposed order without further discussion here.

The Application was filed on January 22, 2024. TCEQ's Executive Director (ED) declared the Application administratively complete and then technically complete, after which the ED issued the Draft Permit. The public comment period ended on January 21, 2024. The ED filed and mailed her response to public comments.

On February 7, 2025, Applicant requested a direct referral of the Application to the State Office of Administrative Hearings (SOAH), and on April 21, 2025, this matter was docketed at SOAH. A preliminary hearing was held on June 13, 2025. The ALJ admitted the administrative record into evidence.² Applicant, the ED, the Office of Public Interest Counsel (OPIC), and Jason Knowles, Jesse Acosta, and RDZ Paving (collectively, Protestants) were named as parties to the proceeding.

None of the Protestants filed testimony or exhibits by the August 4, 2025 deadline. On August 11, 2025, Applicant filed a motion for summary disposition. No party filed a response. On August 28, 2025, after considering the pleadings, evidence, and applicable law, the ALJ granted the motion due to the lack of evidence rebutting the prima facie demonstration.

² Exs. AR11through AR-7.

II. APPLICABLE LAW, BURDEN OF PROOF, AND PRIMA FACIE CASE

TCEQ referred this case to SOAH under Texas Water Code section 5.557, which governs direct referral of environmental permitting cases. Therefore, this case is subject to Texas Government Code section 2003.047(i-1)-(i-3), which provides:

- (i-1) In a contested case regarding a permit application referred under Section . . . 5.557, [Texas] Water Code, the filing with [SOAH] of the application, the draft permit prepared by the [ED], the preliminary decision issued by the [ED], and other sufficient supporting documentation in the administrative record of the permit application establishes a prima facie demonstration that:
 - (1) the draft permit meets all state and federal legal and technical requirements; and
 - (2) a permit, if issued consistent with the draft permit, would protect human health and safety, the environment, and physical property.
- (i-2) A party may rebut a demonstration under Subsection (i-1) by presenting evidence that:
 - (1) relates to a matter referred under Section 5.557, [Texas] Water Code . . .; and
 - (2) demonstrates that one or more provisions in the draft permit violate a specifically applicable state or federal requirement.
- (i-3) If in accordance with Subsection (i-2) a party rebuts a presumption established under Subsection (i-1), the applicant and the executive director may present additional evidence to support the draft permit.

Although this law creates a presumption, sets up a method for rebutting that presumption, and shifts the burden of production on that rebuttal, it does not change

the underlying burden of proof. Accordingly, the burden of proof remains with the Applicant to establish by a preponderance of the evidence that the Application would not violate applicable requirements and that a permit, if issued consistent with the draft permit, would protect human health and safety, the environment, and physical property.³

In this case, Applicant moved for summary disposition. Summary disposition shall be granted on all or part of a contested case if the pleadings, admissions, affidavits, stipulations, deposition transcripts, interrogatory answers, other discovery responses, exhibits and authenticated or certified public records, if any, on file in the case show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor as a matter of law on all or some of the issues expressly set out in the motion.⁴

III. ANALYSIS

The Application, the Draft Permit, and the other materials listed in Texas Government Code section 2003.047(i-1), were offered and admitted into the record for all purposes at the preliminary hearing, establishing the prima facie demonstration.⁵ The ALJ finds no genuine issue as to any material fact, because no party presented any evidence to rebut the prima facie presumption that the Draft Permit meets all applicable legal and technical requirements, and, if issued,

³ 30 Tex. Admin. Code § 80.17(a), (c).

⁴ 30 Tex. Admin. Code § 80.137(c); *see also* 1 Tex. Admin. Code § 155.505(a).

⁵ Exs. AR-1 through AR7.


would be protective of public and environmental health and safety. Therefore, the uncontroverted evidence shows that the Draft Permit meets all applicable legal and technical requirements, and, if issued, would be protective of human health and safety, the environment, and physical property.

IV. CONCLUSION

For the reasons stated above, the ALJ recommends the Draft Permit be issued. In further support of this recommendation, the ALJ has prepared the Findings of Fact and Conclusions of Law incorporated with the accompanying proposed Order of the Commission.

Signed October 22, 2025

ALJ Signature:

A handwritten signature in cursive script that reads "Rebecca S. Smith". The signature is written in dark ink and is positioned above a horizontal line.

Rebecca S. Smith

Presiding Administrative Law Judge

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN ORDER GRANTING THE APPLICATION OF WASTE CONNECTIONS LONE STAR, INC. FOR MSW PERMIT NO. 2420 SOAH DOCKET NO. 582-25-17366, TCEQ DOCKET NO. 2025-0209-MSW

On _____, the Texas Commission on Environmental Quality (TCEQ or Commission) considered the application of Waste Connections Lone Star, Inc. (Applicant) for Municipal Solid Waste (MSW) Permit No. 2420. A Proposal for Decision on Summary Disposition (PFD) was presented by Administrative Law Judge (ALJ) Rebecca S. Smith with the State Office of Administrative Hearings (SOAH), after granting Applicant's motion for summary disposition.

After considering the PFD, the Commission adopts the following Findings of Fact and Conclusions of Law.

I. FINDINGS OF FACT

Application

1. The application (Application) for MSW Permit No. 2420 was filed with the Commission on January 22, 2024.
2. The Application requested authorization to construct and operate a new Type V transfer station in Bexar County, Texas.

3. The Executive Director (ED) of the Commission determined that the Application was administratively and technically complete, completed the technical review of the Application, prepared a draft permit (Draft Permit), and made it available for public review and comment.

The Draft Permit

4. The transfer station (Facility) will be located at 10244 FM 1346, Adkins, Texas 78101.
5. The Facility will consist of a steel-framed structure with a metal roof and walls covering an open concrete floor of about 20,000 square feet (150 feet by 130 feet) which serves as a tipping floor.
6. The Facility will be constructed to manage run-on and run-off during peak discharge of 25-year rainfall event, and such that storm water around the site is controlled to prevent running into the processing area.
7. Ventilation will be provided through the open north and south sides of the structure. Mist systems may be used with the building to suppress odors, if needed.
8. The Draft Permit does not authorize the Facility to accept liquid wastes including grease trap, sewage, and septage.
9. The Facility may accept household waste, yard waste, commercial solid waste, Classes 2 and 3 industrial nonhazardous waste, construction and demolition waste, and specified special waste.
10. The Facility may not accept wastes that are expressly prohibited by Title 30 Texas Administrative Code chapter 330, and any waste that is not authorized in the permit for acceptance.
11. Authorized wastes may be accepted at a maximum rate of 2,500 tons per day.

Notice and Jurisdiction

12. The Notice of Receipt of Application and Intent to Obtain Municipal Solid Waste Permit was published in English in the *San Antonio Express-News* on March 13, 2024, and in Spanish in *La Prensa Texas* on March 17, 2024.
13. The Notice of Application and Preliminary Decision for Municipal Solid Waste Permit was published in English in the *San Antonio Express-News* on December 23, 2024, and in Spanish in *La Prensa Texas* on December 29, 2024.
14. The public comment period ended on January 21, 2025.
15. On March 14, 2025, the ED filed the Response to Comments.
16. On February 7, 2025, Applicant requested a direct referral of the Application to SOAH, and on April 21, 2025, this matter was docketed at SOAH.
17. The notice of the preliminary hearing was published in the *San Antonio Express-News*, the newspaper of largest circulation in Bexar County, on May 9, 2025. The notice included the time, date, and place of the hearing, as well as the matters asserted, in accordance with the applicable statutes and rules.

Proceedings at SOAH

18. A preliminary hearing was held on June 13, 2025. Applicant, the ED, the Office of Public Interest Counsel (OPIC), and Jason Knowles, Jesse Acosta, and RDZ Paving (collectively, Protestants) were named as parties.
19. The ALJ found that notice was proper and took jurisdiction over the Application.
20. The Administrative Record was admitted into evidence.
21. The scheduling order provided an August 4, 2025 deadline for Protestants and OPIC to prefile their direct testimony and exhibits.
22. Neither Protestants nor OPIC filed any direct testimony or exhibits.
23. On August 11, 2025, Applicant filed a motion for summary disposition. No party filed a response.

24. On August 28, 2025, the ALJ granted Applicant's motion for summary disposition, finding that there was no genuine issue as to any material fact and that Applicant was entitled to summary disposition as a matter of law. The record closed that day.
25. No party rebutted the prima facie demonstration that the Draft Permit meets all legal and technical requirements.
26. The Draft Permit, if issued, would protect human health and safety, the environment, and physical property.

II. CONCLUSIONS OF LAW

1. TCEQ has jurisdiction over this matter. Tex. Water Code ch. 5; Tex. Health & Safety Code ch. 361.
2. SOAH has jurisdiction to conduct a hearing and to prepare a proposal for decision in contested cases referred by the Commission under Texas Government Code section 2003.047.
3. Notice was provided in accordance with Texas Water Code section 5.115; Texas Government Code sections 2001.051 and 2001.052; and 30 Texas Administrative Code sections 39.405 and 39.501.
4. The Application is subject to the requirements in Texas Government Code section 2003.047(i-1)-(i-3).
5. Applicant's filing of the administrative record established a prima facie case that: (1) the Draft Permit meets all state and federal legal and technical requirements; and (2) a permit, if issued consistent with the Draft Permit, would protect human health and safety, the environment, and physical property. Tex. Gov't Code § 2003.047(i-1); 30 Tex. Admin. Code § 80.17(c)(1).
6. To rebut the prima facie demonstration, a party must present evidence that (1) relates to one of the referred issues; and (2) demonstrates that one or more provisions in the Draft Permit violates a specifically applicable state or federal

requirement. Tex. Gov't Code § 2003.047(i-2); 30 Tex. Admin. Code § 80.17(c)(2).

7. Applicant retains the burden of proof on the issues regarding the sufficiency of the Application and compliance with the necessary statutory and regulatory requirements. 30 Tex. Admin. Code § 80.17(a).
8. No party rebutted the prima facie demonstration. Tex. Gov't Code § 2003.047(i-2); 30 Tex. Admin. Code § 80.117(c).
9. The Draft Permit contains sufficient provisions to protect human health and safety, the environment, and physical property.
10. Summary disposition of a contested case shall be rendered if the pleadings, admissions, affidavits, stipulations, deposition transcripts, interrogatory answers, other discovery responses, exhibits, and authenticated or certified public records, if any, on file in the case at the time of the hearing, or filed thereafter and before judgment with the permission of the judge, show that there is no genuine issue as to any material fact and the moving party is entitled to summary disposition as a matter of law on all or some of the issues expressly set out in the motion or in an answer or any other response. 30 Tex. Admin. Code § 80.137(c); *see also* 1 Tex. Admin. Code § 155.505(a).
11. There is no genuine issue of any material fact and Applicant is entitled to summary disposition as a matter of law. 30 Tex. Admin. Code § 80.137(c).

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:

1. Waste Connections Lone Star, Inc.'s application for Municipal Solid Waste Permit No. 2420 is granted as set forth in the Draft Permit.
2. The Commission adopts the ED's Response to Public Comment in accordance with 30 Texas Administrative Code section 50.117. If there is any conflict between the Commission's Order and the ED's Responses to Public Comment, the Commission's Order prevails.

3. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.
4. The effective date of this Order is the date the Order is final, as provided by Texas Government Code section 2001.144 and 30 Texas Administrative Code section 80.273.
5. TCEQ's Chief Clerk shall forward a copy of this Order to all parties.
6. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Brooke Paup, Chairwoman, For the Commission