

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



Garrett T. Arthur, *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 9, 2025

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

RE: **IN THE MATTER OF THE APPLICATION BY PC-II, LLC FOR NEW
MSW PERMIT NO. 2406
TCEQ DOCKET NO. 2025-0468-MSW**

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Request for Hearing and Requests for Reconsideration in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script that reads "Jessica M. Anderson".

Jessica M. Anderson, Attorney
Assistant Public Interest Counsel

A handwritten signature in cursive script that reads "Josiah Mercer".

Josiah T. Mercer, Attorney
Assistant Public Interest Counsel

cc: Mailing List

DOCKET NO. 2025-0468-MSW

**APPLICATION BY PC-II, LLC
FOR MSW PERMIT NO. 2406**

§
§
§
§

**BEFORE THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

**OFFICE OF PUBLIC INTEREST COUNSEL'S
RESPONSE TO REQUESTS FOR HEARING AND REQUESTS FOR
RECONSIDERATION**

To the Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) at the Texas Commission on Environmental Quality (Commission or TCEQ) files this response to the hearing requests and requests for reconsideration in the above-captioned matter.

I. Introduction

A. Summary of Position

Before the Commission is an application by PC-II, LLC (Applicant) for a new Municipal Solid Waste authorization (MSW Permit No. 2406). OPIC notes that the TCEQ Chief Clerk's office received numerous timely hearing requests and requests for reconsideration. For the reasons stated herein, OPIC respectfully recommends that the Commission grant the requests of Patricia Doris Burkett, Jordan Combs, Mandy Jo Cook, Frances Elaine Damon, Gerald Hensley, Houston San Jacinto Ranch, LLC, Ruby Kelley, Sarah Lynskey, the Moody family, Jennifer Mundy, Kimberly Noble, and Timothy Scott Warren—and refer this application for a 180-day hearing at the State Office of Administrative Hearings (SOAH) on Issue nos. 1-15 contained in §III.B.

B. Description of Application and Facility

This application seeks to authorize the proposed Peach Creek Environmental Park (the Facility), which would be a Type I MSW landfill. The proposed Facility would be located approximately seven miles northwest of the intersection of US 59 and SH 105 in San Jacinto County. This application, if granted, would cover 595 acres within the proposed permit boundary—approximately 115 acres of which would be used for waste disposal. Authorized waste may be accepted at an initial rate of approximately 1,300 tons per day and may increase to a maximum of 1,970 tons per day. The estimated site life is approximately 21.4 years. The Facility would be located outside of the territorial and extraterritorial limits of any city, and there is no zoning at the proposed location. The draft permit, prepared by the TCEQ Executive Director (ED), would authorize the Applicant to dispose of household waste, yard waste, commercial waste, Class 2 and 3 non-hazardous industrial solid waste, construction-demolition waste, and approved special waste at the Facility.

C. Procedural Background

The application for a land use compatibility determination on a permit to authorize a new MSW Type I Landfill (Parts I and II of the permit application) was received on August 28, 2019, and declared administratively complete on October 28, 2019. The Notice of Receipt of Application for Land Use Compatibility Determination for a Municipal Solid Waste Permit was published on November 21, 2019, in the *San Jacinto News Times*. Parts III and IV of the application were received on September 16, 2020, and declared administratively complete on

October 23, 2020. The Notice of Receipt of Application and Intent to Obtain MSW Permit was published on November 26, 2020, in the *San Jacinto News Times*. A virtual public meeting was held on September 28, 2021, and notice of the public meeting was published on September 9, 2021, September 16, 2021, and September 23, 2021, in the *San Jacinto News Times*.

The ED completed the technical review of the application on December 9, 2021. The Notice of Application and Preliminary Decision (NAPD) was published on December 16, 2021, in the *San Jacinto News Times*. A revised NAPD was published on February 24, 2022, in the *San Jacinto News Times*. A second virtual public meeting was held on March 22, 2022, and notice of the public meeting was published on March 3, 2022, March 10, 2022, and March 17, 2022, in the *San Jacinto News Times*. The public comment period ended on March 28, 2022.

On August 31, 2023, and February 23, 2024, the Applicant significantly revised their application. The revisions include a reduction in the proposed Facility acreage, relocation of the private access road that connects the proposed Facility to the public road, and addition of a slurry wall surrounding the waste disposal unit. The ED completed the technical review of the revised application on May 21, 2024, and prepared a revised draft permit. Another NAPD was published on May 30, 2024, in the *San Jacinto News Times*. The reopened comment period closed on July 1, 2024. The ED mailed their final decision letter on January 23, 2025, and the deadline for the submission of hearing requests and requests for reconsideration was on February 24, 2025.

II. Applicable Law

A. Hearing Requests

This application was filed on or after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709.¹ Under Title 30, Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (2) identify 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;
- (3) request a contested case hearing;
- (4) 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. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and

¹ Tex. S.B. 709, 84th Leg., R.S. (2015).

- (5) provide any other information specified in the public notice of application.²

Under 30 TAC § 55.203(a), 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. An interest common to members of the general public does not qualify as a personal justiciable interest. Relevant factors to be considered in determining whether a person is affected include:

- (1) whether the interest claimed is one protected by the law under 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.³

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

² 30 TAC § 55.201(d).

³ 30 TAC § 55.203(c).

- (1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance
- (2) the analysis and opinions of the executive director; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.⁴

For applications filed on or after September 1, 2015, § 55.205(b) states that a hearing request by a group or association may not be granted unless all of the following requirements are met:

- (1) comments on the application are timely submitted by the group or association;
- (2) the request identifies, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right;
- (3) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission must grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and, that are relevant and material to the Commission's decision on the application.

⁴ 30 TAC § 55.203(d).

Under § 55.211(c)(2)(B)–(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

B. Requests for Reconsideration

Any person may file a request for reconsideration of the ED's decision under 30 TAC § 55.201(e). The request must be in writing and filed with the Chief Clerk no later than 30 days after the Chief Clerk mails the ED's decision and RTC. The request must expressly state that the person is requesting reconsideration of the ED's decision and give reasons why the decision should be reconsidered.

III. Analysis of Hearing Requests

A. Whether the Requestors are Affected Persons

Withdrawn Requests

Several individuals submitted timely hearing requests that were subsequently withdrawn. These requestors were: Jeffry Fausett, Bryan A. French on behalf of Wood Duck Farms, John David McDonald, Melissa Peterson, David Van Weldon, and Shelby Lynn Wright. OPIC therefore did not consider these requests for referral to a contested case hearing.

Affected Requestors in Close Proximity to the Proposed Facility

The Commission received timely comments and hearing requests from the following: Patricia Doris Burkett, Jordan Combs, Mandy Jo Cook, Frances Elaine Damon, Gerald Hensley, Houston San Jacinto Ranch, LLC, Ruby Kelley, Sarah Lynskey, the Moody family, Jennifer Mundy, Kimberly Noble, and Timothy Scott Warren. According to the map created by ED staff, each of these

requestors' properties or residences are less than three miles from the proposed Facility. In their comments and hearing requests, these requestors raised concerns related to water quality, human health, recreation, wildlife, groundwater, notice, nuisance odors, disease vectors, land use compatibility, runoff, application accuracy, wetlands and floodplains, erosion control, traffic, and methane gas.

Each of these requestors raised at least one personal justiciable interest which is protected by the law under which this application is considered.⁵ Because of these requestors' proximity to the proposed Facility, a reasonable relationship exists between the interests they seek to protect and the Applicant's regulated activity—a relevant factor under 30 TAC § 55.201(c)(3). Further, the requestors' proximity increases the likelihood that the regulated activity will impact their health, safety, use of property, and use of the impacted natural resource.⁶ Given their personal justiciable interests and proximity, OPIC finds that these requestors have demonstrated that they would be affected by the construction of the proposed Facility in a way not common to members of the general public as required by 30 TAC § 55.203(a). Therefore, OPIC recommends that the Commission find that these requestors are affected persons.

⁵ 30 TAC § 55.203(c)(1).

⁶ 30 TAC § 55.203(c)(4)-(5).

Individuals Residing in Close Proximity to the Proposed Facility Who Failed to Articulate a Personal Justiciable Interest

The following individuals also submitted hearing requests and provided addresses in close proximity to the proposed Facility: James Bridges, Rebecca Bridges, and Maxine McAdams. However, these requestors failed to articulate how they would be uniquely affected by the construction of the proposed Facility. While these requestors expressed general opposition to the proposed Facility, they failed to describe with any specificity how they might be impacted by the construction of the proposed Facility in a way that is different from the general public. Because these requestors failed to articulate a personal justiciable interest, OPIC cannot find that they are affected persons.

Individuals Residing Further from the Proposed Facility or Those Who Failed to Provide an Address

The following individuals also submitted timely hearing requests but provided addresses farther than three miles from the proposed Facility or failed to provide any address: Lara Alves, Ashley Akins, Frank Blake, Candice Bonn, Don Burrowy, Jamie Michelle Corbett, Jodi Garrett, Robert Gartner, Olga Gonzalez, Melissa Grebe, Sue and Walt Gregory, Beth Grijalva, Pattie Gurley, James Hannan, Tyson Hatzl, Olive Hershey, Alice D. Hothem, Martha Elizabeth House, Sonora Hudson, Clay Jackson, Cherenne Kahler, Mohamed Magdy Kandil, Debbie Kenna, Erica Lawrence, Andrew Leslie, Regina Levoy, Sharon Liao, Kasey Lock, Lisa Marshall, Janie Martinez, Jill McAuliffe, Varenya Mehta, Kyle Mejia, Susan Muck, David Mulcihy, Linda A. Mundwiller, James A. Neal, Susan Nichols, Alicia R. Rairden, Royce Roberts, Debra Rodriguez, Aline Rosenzweig, Rosanna Russel,

Gannon Rust, Brenda Schaefer, Emily Sedlock, Brenda Lee Sherwood, Linda Kay Stegenga, Renee Stern, Lisa Stone, Ann D. Sutton, Jamie Upham-Demers, Elizabeth Vandergaag, Sophia Vassilakidis, Audrey Vonborstel, Kate Wasserman, Mary Whisenant, and Katy Yang.

While many of these requestors articulated relevant and material concerns—according to the map created by ED staff, all reside further than three miles from the proposed Facility. Additionally, several requestors failed to give a physical address; instead listing only PO Box numbers.⁷ Due to the intervening distances, these requestors have not shown a reasonable relationship between their claimed interests and the regulated activity. Given these requestors' lack of proximity to the proposed Facility, or their failure to demonstrate their proximity, OPIC cannot find that they would be affected in a manner not common to the general public.

Groups and Associations

Bayou City Waterkeeper

Kristen Schlemmer submitted timely comments and a hearing request on behalf of Bayou City Waterkeeper. Under 30 TAC § 55.205(b)(2), in order for an association's hearing request to be granted, the request must identify one or more members, by name and physical address, that would otherwise have

⁷ OPIC notes that while a PO Box address does not indicate proximity, those individuals who only list their PO Box number could attend the preliminary hearing in order to petition for party status under 30 TAC § 55.211(e). OPIC further notes that no distance restrictions are imposed by law on these requestors' interests. *See* 30 TAC § 55.203(c)(2).

standing to request a hearing in their own right. Here, no specific individuals were identified in this manner.

The hearing request raised general opposition to the proposed Facility and articulated concerns about need and compatibility with existing land uses, surface water, groundwater, wetlands, runoff, wildlife, and flooding. While many of the concerns raised on behalf of Bayou City Waterkeeper are protected by the law under which the application will be considered, Bayou City Waterkeeper failed to identify any member who would have standing in their own right to request this contested case hearing. Because Bayou City Waterkeeper has not offered a member of the association who would have standing in their own right, the group cannot qualify as an affected person under 30 TAC § 55.205(b).

Sierra Club

Brandt Mannchen submitted timely comments and hearing requests on behalf of the Lone Star Chapter of the Sierra Club. Under 30 TAC § 55.205(b)(2), an association's hearing request must identify one or more members, by name and physical address, that would otherwise have standing to request a hearing in their own right. Here, no specific individuals were identified in this manner.

The hearing request raised general opposition to the proposed Facility and articulated concerns about water quality, groundwater, recreation, wildlife, nuisance odors, and air quality. While many of the concerns raised on behalf of the Sierra Club are protected by the law under which the application will be considered, Sierra Club failed to identify any member who would have standing in their own right. Because the Sierra Club has not offered a member of the

association who would have standing in their own right, the group cannot qualify as an affected person under 30 TAC § 55.205(b).

B. Which Issues Raised in the Hearing Requests Are Disputed

Each of the following issues was raised by at least one affected requestor:

1. Whether the draft permit is adequately protective of water quality.
2. Whether the draft permit is adequately protective of human health.
3. Whether the draft permit is adequately protective of recreational uses.
4. Whether the draft permit is adequately protective of plants and wildlife, including endangered and threatened species.
5. Whether the draft permit is adequately protective of groundwater availability.
6. Whether there was adequate notice of the proposed Facility.
7. Whether the draft permit is adequately protective against nuisance odor.
8. Whether the draft permit is adequately protective against disease vectors.
9. Whether the draft permit is adequately protective of land use compatibility.
10. Whether the draft permit is adequately protective against excess runoff.
11. Whether the permit application is accurate.
12. Whether the draft permit is adequately protective against increased road traffic.
13. Whether the draft permit is adequately protective of wetlands and floodplains.
14. Whether the draft permit has adequate erosion control.
15. Whether the draft permit is adequately protective against methane gas.

16. Whether the draft permit is adequately protective against PFAS.

17. Whether the draft permit is adequately protective of property values.

C. Whether the Dispute Involves Questions of Fact or of Law

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements. The issues raised here are issues of fact.

D. Whether the Issues Were Raised During the Public Comment Period

The issues were specifically raised by requestors who qualify as affected persons during the public comment period.

E. Whether the Hearing Requests are Based on Issues Raised Solely in a Withdrawn Public Comment

While some public comments were withdrawn in this matter, those comments were not made by the affected requestors. Therefore, the hearing requests of the affected requestors are not based on issues raised solely in withdrawn public comments.

F. Whether the Issues are Relevant and Material to the Decision on the Application

The affected persons' hearing requests raise issues that are relevant and material to the Commission's decision under the requirements of 30 TAC § 55.201(d)(4)(B) and 55.211(c)(2)(A)(ii). To refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny this permit. Relevant and material issues

are those governed by the substantive law under which this permit is to be issued.⁸

Water Quality and Groundwater

TCEQ's rules in 30 TAC §§ 330.61(j) and (k), and 30 TAC §§ 330.63(e) and (f) require an applicant to provide adequate information about soils, geology, groundwater, and surface water within and around the site, and a groundwater monitoring program, including a sampling and analysis plan in the application. The groundwater monitoring program must include a monitoring system, based on site-specific technical information, to detect any contamination from the Facility prior to migration off-site. The system must consist of a sufficient number of wells, installed at appropriate locations and depths, to yield representative groundwater samples from the uppermost aquifer. Also, the landfill must be constructed with a composite liner and leachate collection system meeting the groundwater protection design criteria in 30 TAC § 330.331(a)(2). Additionally, liquids that have contacted waste must be disposed of in a manner that does not cause contamination of ground or surface water.⁹ Therefore, Issue nos. 1 and 5 are relevant and material.

Protection of Human Health, Wildlife, the Environment, and Recreation

The affected persons raised concerns regarding their health, wildlife, including endangered or threatened species, and the environment, including impacts on the environment that would affect recreational activities. The Texas

⁸ *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-51 (1986).

⁹ 30 TAC § 330.207(a).

Solid Waste Disposal Act and 30 TAC Chapter 330 were promulgated to protect human health and the environment. Section 330.61(h) requires that the use of any land for a municipal solid waste facility not adversely impact human health or the environment, which would further impact opportunities for recreation. Also, TCEQ rules require that the permit have provisions to safeguard human health and welfare, and the environment. Additionally, under § 330.551(a), the operation of a facility must not adversely affect an endangered or threatened species or its critical habitat. Therefore, Issue nos. 2-4 are relevant and material.

Notice

Affected persons raised concerns that the Applicant failed to meet public notice requirements during the application process. Chapter 39 contains requirements relating to notice publication, alternative language publication, mailing of notice, sign posting, and posting of the application in a public place within the county. The issue of whether the Applicant complied with all applicable notice requirements is relevant and material to the Commission's decision on this application. Therefore, Issue No. 6 is appropriate for referral to SOAH.

Odors

Additionally, MSW Rules in 30 TAC §330.149 require all applications to incorporate an odor management plan specifying the wastes and activities that are most likely to cause odors and how odors will be mitigated. Nuisances, including odors—defined in 30 TAC §330.3(98)—are strictly forbidden under 30

TAC §330.15(a)(2). Therefore, Issue no. 7 is relevant and material to the Commission's decision on the application.

Disease Vectors

Affected persons raise concerns related to the control of disease vectors. Under § 330.151, the site operator must control on-site populations of disease vectors, and the general methods and performance-based frequencies for disease vector control must be specified in the site operating plan. Issue no. 8 is therefore relevant and material to the Commission's decision regarding this application.

Land Use Compatibility

Affected persons raise concerns related to the compatibility of the proposed Facility with existing land use in the area. Under § 330.61(h), Applicant must provide information regarding the likely impacts of the Facility on cities, communities, groups of property owners, or individuals by analyzing the compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest. Issue no. 9 therefore is relevant and material to the Commission's decision regarding this application and is appropriate for referral to SOAH.

Runoff

Affected persons raise concerns related to the potential negative effect of runoff from the proposed Facility. Under § 330.63(c), Applicant must submit a surface water drainage report, and the report must comply with construction and maintenance requirements under Subchapter G and specifically § 330.303. Issue

no. 10 therefore is relevant and material to the Commission's decision regarding this application and is appropriate for referral to SOAH.

Application Accuracy

Affected persons raise concerns that the application submitted in this matter was not accurate. TCEQ rules require that an application be complete and accurate—and failure to provide an accurate application may be cause for denial or return to technical review.¹⁰ Therefore, Issue no. 11 is relevant and material to the Commission's decision regarding this application and is appropriate for referral to SOAH.

Transportation and Traffic

Under 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. Therefore, the concerns regarding traffic and its effect on surrounding land use are relevant and material to the Commission's decision. Issue no. 12 is appropriate for referral to SOAH.

Wetlands and Floodplains

Affected persons claim that the draft permit is not adequately protective of local wetlands and floodplains. Applicant must address wetlands and

¹⁰ 30 TAC § 330.57(a) & (d).

floodplains under § 330.61(m). Location restrictions are addressed in § 330.547; and under § 330.63(c), Applicant must submit a surface water drainage report that addresses flood control. Therefore, Issue no. 13 is relevant and material to the Commission's decision regarding this application and is appropriate for referral to SOAH.

Erosion Control

Affected persons raise concerns that the draft permit does not contain adequate erosion control and prevention. Applicant must address erosion control and prevention under § 330.305(d). Issue no. 14 is therefore relevant and material to the Commission's decision and is appropriate for referral to SOAH.

Landfill Gas Control

Requestors raised concerns about landfill gas control, including methane gas. The control of landfill gas is addressed in § 330.159. Issue no. 15 is therefore relevant and material to the Commission's decision.

PFAS

Affected persons raised concerns related to the Facility's potential to expose them to PFAS. Neither TCEQ nor EPA has promulgated rules or criteria limiting emerging contaminants, including PFAS, in wastewater. In addition, there are currently no federal or state effluent limits for emerging contaminants. Therefore, Issue no. 16 is not relevant and material to the Commission's decision on this application.

Property Values

Affected persons raised concerns regarding the proposed Facility's impact on property value. The TCEQ does not have jurisdiction under the Texas Health and Safety Code to address or consider property values or the marketability of adjacent property in its determination of whether to issue an MSW permit. Accordingly, Issue no. 17 is not relevant or material to the Commission's decision on this application.

G. Maximum Expected Duration for the Contested Case Hearing

Commission rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier.¹¹ To assist the Commission in setting a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing on the application would be 180 days from the first date of the preliminary hearing until the proposal for decision is issued.

¹¹ 30 TAC § 50.115(d)(2).

V. Requests for Reconsideration

Margaret Beck, Debbie Kenna, Charlene Niederkorn, Jeremiah Edward Marek, Jose Marquez, Veronica Marquez, Dana Moody, and Amy Roth submitted timely requests for reconsideration—raising relevant concerns including water quality, wildlife, human health, recreation, roads, odor, traffic, and application accuracy. At this time, OPIC is recommending a hearing, but prior to development of an evidentiary record, OPIC cannot make a recommendation to the Commission as to whether the ED’s decision should be reconsidered. Therefore, OPIC respectfully recommends denial of all pending requests for reconsideration.

V. Conclusion

For the reasons stated above, OPIC finds that Patricia Doris Burkett, Jordan Combs, Mandy Jo Cook, Frances Elaine Damon, Gerald Hensley, Houston San Jacinto Ranch, LLC, Ruby Kelley, Sarah Lynskey, the Moody family, Jennifer Mundy, Kimberly Noble, and Timothy Scott Warren qualify as affected persons. Therefore, OPIC respectfully recommends that the Commission grant these hearing requests and refer the application for a contested case hearing at SOAH on Issue nos. 1-15 contained in §III.B with a maximum duration of 180 days.

Respectfully submitted,

Garrett T. Arthur
Public Interest Counsel

By: Jessica M. Anderson
Jessica M. Anderson
Assistant Public Interest Counsel
State Bar No. 24131226
P.O. Box 13087, MC 103
Austin, Texas 78711-3087
(512) 239-6823

By: Josiah Mercer
Josiah T. Mercer
Assistant Public Interest Counsel
State Bar No. 24131506
P.O. Box 13087, MC 103
Austin, Texas 78711-3087
(512) 239-0579

CERTIFICATE OF SERVICE

I hereby certify that May 9, 2025, the original of the Office of Public Interest Counsel's Response to Requests for Hearing was filed with the Chief Clerk of the TCEQ and a copy was served on all persons listed on the attached mailing list via electronic mail, and/or by deposit in the U.S. Mail.

Jessica M. Anderson
Jessica M. Anderson

MAILING LIST
PC-II, LLC
TCEQ DOCKET NO. 2025-0468-MSW

FOR THE APPLICANT

via electronic mail:

Jeffery Hobby, Project Manager
PC-II, LLC
300 Concourse Boulevard, Suite 101
Ridgeland, Mississippi 39157
info@peachcreekep.com

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

Anthony Tatu, Staff Attorney
Hunter Simmons, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0600 Fax: 512/239-0606
anthony.tatu@tceq.texas.gov
hunter.simmons@tceq.texas.gov

Frank Zeng, Technical Staff
Texas Commission on Environmental
Quality
Waste Permits Division MC-124
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-1007 Fax: 512/239-2007
frank.zeng@tceq.texas.gov

Ryan Vise, Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4000 Fax: 512/239-5678
pep@tceq.texas.gov

FOR ALTERNATIVE DISPUTE

RESOLUTION

via electronic mail:

Kyle Lucas, Attorney
Texas Commission on Environmental
Quality
Alternative Dispute Resolution MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0687 Fax: 512/239-4015
kyle.lucas@tceq.texas.gov

FOR THE CHIEF CLERK

via eFiling:

Docket Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-3300 Fax: 512/239-3311
<https://www14.tceq.texas.gov/epic/eFiling/>

REQUESTER(S):

See attached list.

REQUESTER(S)

Ashley Akins
8308 Hall Rd
Pattison, TX 77423-2124

Lara Alves
2911 Bright Sky Ct
Spring, TX 77386-3360

Mrs Margaret Beck
21562 Big Buck Dr
Cleveland, TX 77328-8888

Frank Blake
1010 Peden St
Apt 3
Houston, TX 77006-1358

Mrs Candice Bonn
2001 Snow Hill Rd
Coldspring, TX 77331-5582

James Bridges
201 May Cox Rd
Cleveland, TX 77328-8480

Rebecca Bridges
201 May Cox Rd
Cleveland, TX 77328-8480

Patricia Doris Burkett
1911 Fostoria Tram Rd
Cleveland, TX 77328-7935

Don Burrowy
12642 Royal Shores Dr
Conroe, TX 77303-2622

Jordan Combs
341 Ware Rd
Cleveland, TX 77328-4575

Mrs Mandy Jo Cook
361 Jayhawker Rd
Cleveland, TX 77328-7971

Ms Jamie Michelle Corbett
161 Big Buck Dr
Cleveland, TX 77328-5006

Ms Jamie Michelle Corbett
8818 Highway 146 N
Liberty, TX 77575-8755

Frances Elaine Damon
9918 Boone Rd
Houston, TX 77099-2708

Jodi L Garrett
9901 Robin Ct
Conroe, TX 77385-4625

Robert Gartner
6319 Sheringham St
Houston, TX 77085-3244

Olga Gonzalez
Po Box 2135
Cleveland, TX 77328-2135

Melissa Grebe
1619 W 10Th St
Freeport, TX 77541-5141

Sue & Walt Gregory
5239 Fm 2 Rd
Navasota, TX 77868-6538

Beth Grijalva
21 E Wedgemere Cir
The Woodlands, TX 77381-4190

Pattie Gurley
5194 Rolling Hills Rd
Conroe, TX 77303-4671

James Hannan
20767 Kenswick Park Dr
Porter, TX 77365-1039

Tyson Hatzl
13108 Autumn Ash Dr
Conroe, TX 77302-3156

Mr Gerald Hensley
150 Smith Ln
Cleveland, TX 77328-4536

Olive Hershey
2415 Yupon St
Houston, TX 77006-2515

Alice D Hothem
5850 Lynbrook Dr
Houston, TX 77057-2250

Elizabeth Martha House
15650 Walden Rd
Apt 3111
Montgomery, TX 77356-1768

Sonora Hudson
1743 Esperanza St
Houston, TX 77023-2401

Clay Jackson
10850 Daw Collins Rd
Splendora, TX 77372-3169

Cherene Kahler
10401 Daw Collins Rd
Cleveland, TX 77328-6657

Mr Mohamed Magdy Kandil
Po Box 590202
Houston, TX 77259-0202

Ruby Kelley
460 J A Morgan Rd
Cleveland, TX 77328-7907

Debbie Kenna
Po Box 674
Highlands, TX 77562-0674

Erica Lawrence
28262 Calaveras Lake Dr
Spring, TX 77386-4289

Jennifer Lee
Houston San Jacinto Ranch Llc
1940 Fountain View Dr
Ste 3092
Houston, TX 77057-3206

Mr Andrew Leslie
6341 Stewart Rd
Unit 216
Galveston, TX 77551-1880

Regina Levoy
Po Box 188
Shiro, TX 77876-0188

Sharon Liao
5331 Kansas St
Houston, TX 77007-1212

Kasey Lock
25384 Moss Cir
Cleveland, TX 77328-6788

Sarah Lynskey
341 Big Buck Dr
Cleveland, TX 77328-5002

Brandt Mannchen
4300 Dunlavy St
Apt 3138
Houston, TX 77006-5401

Jeremiah Edward Marek
951 Jayhawker Rd
Cleveland, TX 77328-2380

Mr Jose Marquez
2015 White Buck Ct
Cleveland, TX 77328-8879

Mrs Veronica L Marquez
2015 White Buck Ct
Cleveland, TX 77328-8879

Ms Lisa Marshall
18823 Cove Mill Ln
Cypress, TX 77433-3386

Ms Janie G Martinez
14210 Bateau Dr
Cypress, TX 77429-2553

Maxine Mcadams
71 A J Meekins Rd
Cleveland, TX 77328-8403

Ms Jill Mcauliffe
1111 Avenue L
Galveston, TX 77550-6134

Varenja Mehta
1202 Seagler Rd
Apt 152
Houston, TX 77042-2058

Kyle Mejia
3314 Abbey Field Ln
Porter, TX 77365-8514

Allee Moody
2009 Fostoria Tram Rd
Cleveland, TX 77328-7937

Allee Moody
2011 Fostoria Tram Rd
Cleveland, TX 77328-7937

Chase W Moody
2009 Fostoria Tram Rd
Cleveland, TX 77328-7937

Chase W Moody
2011 Fostoria Tram Rd
Cleveland, TX 77328-7937

Curtis W Moody
Curtis Moody
2009 Fostoria Tram Rd
Cleveland, TX 77328-7937

Curtis W Moody
Curtis Moody
2011 Fostoria Tram Rd
Cleveland, TX 77328-7937

Dana C Moody
2009 Fostoria Tram Rd
Cleveland, TX 77328-7937

Dana C Moody
2011 Fostoria Tram Rd
Cleveland, TX 77328-7937

Ethan Moody
2009 Fostoria Tram Rd
Cleveland, TX 77328-7937

Ethan Moody
2011 Fostoria Tram Rd
Cleveland, TX 77328-7937

Madison Moody
2009 Fostoria Tram Rd
Cleveland, TX 77328-7937

Madison Moody
2011 Fostoria Tram Rd
Cleveland, TX 77328-7937

Miranda Moody
2009 Fostoria Tram Rd
Cleveland, TX 77328-7937

Miranda Moody
2011 Fostoria Tram Rd
Cleveland, TX 77328-7937

Vance Moody
2009 Fostoria Tram Rd
Cleveland, TX 77328-7937

Vance Moody
2011 Fostoria Tram Rd
Cleveland, TX 77328-7937

Susan Muck
11640 Ward Rd
Cleveland, TX 77328-7463

David Mulcihy
18506 Capetown Dr
Houston, TX 77058-4011

Linda A Mundwiller
11711 Memorial Dr
Apt 675
Houston, TX 77024-7255

Jennifer Mundy
180 Pine Valley Rd
Cleveland, TX 77328-4508

Mr James A Neal
575 County Road 507
Nacogdoches, TX 75961-8998

Susan Nichols
2122 River Village Dr
Kingwood, TX 77339-1776

Mrs Charlene M Niederkorn
4102 Longhorn Dr
Cleveland, TX 77328-8850

Kimberly A Noble
17580 Fm 1725 Rd
Cleveland, TX 77328-5486

Melisa Peterson
341 Big Buck Dr
Cleveland, TX 77328-5002

Alicia R Rairden
11919 W Border Oak Dr
Magnolia, TX 77354-6997

Royce Roberts
3118 Manzanita Ln
Manvel, TX 77578-3496

Debra Rodriguez
102 County Road 3891 S
Cleveland, TX 77328-3241

Aline Rosenzweig
2126 Branard St
Apt 4
Houston, TX 77098-2432

Amy Roth
25945 Tallow Vis
Cleveland, TX 77328-7172

Rosanna Russell
2703 Vannevar Way
The Woodlands, TX 77381-3342

Brenda Schaefer
25388 Pine Knob Dr
Cleveland, TX 77328-4512

Kristen Schlemmer
Bayou City Waterkeeper
4900 Travis St
Ste 209
Houston, TX 77002-2631

Derek Seal
McGinnis Lochridge
1111 W 6Th St
Ste 400
Austin, TX 78703-5338

Emily Sedlock
2543 Riata Ln
Houston, TX 77043-1833

Mrs Brenda Lee Sherwood
3043 Creek Manor Dr
Kingwood, TX 77339-1224

Linda Kay Stegenga
Caml
16652 Stonecrest Dr
Conroe, TX 77302-4722

Renee Stern
3411 Yoakum Blvd
Apt 1908
Houston, TX 77006-4300

Lisa Stone
8902 Birdwood Ct
Houston, TX 77096-2107

Ann D Sutton
8221 Kingsbrook Rd
Apt 209
Houston, TX 77024-3380

Jamie Upham-Demers
104 Shawna Ln
Butte, MT 59701-7401

Mrs Elizabeth Vandergaag
208 Coppery Ct
Montgomery, TX 77316-1954

Sophia Vassilakidis
2744 Briarhurst Dr
Houston, TX 77057-5339

Audrey Vonborstel
12434 Piping Rock Dr
Houston, TX 77077-5830

Timothy Scott Warren
481 Big Buck Dr
Cleveland, TX 77328-5010

Kate Wasserman
14215 Fleetwell Dr
Houston, TX 77045-5643

Mary Whisenant
910 Mcadams Vann Rd
Cleveland, TX 77328-5661

Katy Yang
15838 Hillside Falls Trl
Houston, TX 77062-4792