

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 15, 2025

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

RE: Petition to Revoke TCEQ Injection Well Permit Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349, and WDW350 issued to US Ecology Winnie, LLC; TCEQ Docket 2025-0735-MIS

Dear Ms. Gharis:

Pipkin Ranch Holdings, LP, submitted to the Executive Director a petition to revoke TCEQ Injection Well Permits Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349, and WDW350 issued to US Ecology Winnie, LLC. In accordance with 30 Texas Administrative Code Section 305.66, please file the enclosed petition with the Texas Commission on Environmental Quality on the above-referenced docket.

Respectfully submitted,

A handwritten signature in black ink that reads "Don Redmond".

Don Redmond, Staff Attorney
Environmental Law Division

Enclosure

cc: mailing list

**TCEQ Docket 2025-0735-MIS
Mailing List**

For the Petitioner

David Tuckfield
The AL Law Group, PLLC
12400 West Highway 71
Suite 350-150
Austin, TX 78738
dtuckfield@allawgp.com

For the Permittee

Duncan C. Norton
Mattie C. Neira
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, TX 78701
dnorton@lglawfirm.com
mneira@lglawfirm.com

For the Public Interest Counsel

Garrett Arthur
Office of the Public Interest Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC-103, Austin, Texas 78711-3087
garrett.arthur@tceq.texas.gov

For the Executive Director

Pavan Bairu
Underground Injection Control Permits Section
Texas Commission on Environmental Quality
P.O. Box 13087, MC-233, Austin, Texas 78711-3087
pavan.bairu@tceq.texas.gov



David J. Tuckfield
12400 W. Highway 71, Suite 350-150
Austin, Texas 78738

Partner
(512) 576-2481
Fax: (512) 366-9949

May 7, 2025

Kelly Keel
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087, MC 109
Austin, Texas 78711 3087

Re: Petition to Revoke
US Ecology Winnie, LLC's TCEQ Permit Nos. WDW344, WDW345, WDW346,
WDW347, WDW348, WDW349 AND WDW350

Dear Ms. Keel:

Pursuant to 30 TAC § 306.66(d), Pipkin Ranch Holdings, LP, who is a person affected by the issuance of a permit or other order of the commission hereby initiates proceedings for revocation by forwarding the attached petition to the executive director to be filed with the commission.

Please don't hesitate to contact the undersigned if you have any questions.

Sincerely,

David Tuckfield
The AL Law Group, PLLC
12400 West Highway 71
Suite 350-150
Austin, TX 78738
(512) 576-2481
dtuckfield@allawgp.com

TCEQ DOCKET NO. _____
TCEQ PERMIT NOS.
WDW344, WDW345, WDW346, WDW347, WDW348, WDW349 and WDW350

PETITION TO REVOKE US ECOLOGY WINNIE, LLC'S TCEQ PERMIT NOS. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349 AND WDW350	§ § § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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**ORIGINAL PETITION TO REVOKE US ECOLOGY WINNIE, LLC'S
TCEQ PERMIT NOS.
WDW344, WDW345, WDW346, WDW347, WDW348, WDW349 AND WDW350**

TO THE HONORABLE COMMISSIONERS:

Pipkin Ranch Holdings, LP ("Pipkin" or "Petitioner") files this *Original Petition to Revoke US Ecology Winnie, LLC's TCEQ Permit Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349 AND WDW350* (the "Petition"). In support of its Petition, the Petitioner shows as follows:

I. PRELIMINARY STATEMENT

1. On May 28, 2019, US Ecology Winnie, LLC ("Applicant") submitted an Application for renewal and major amendment of seven nonhazardous commercial Class I Underground Injection Control (UIC) Permits Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349 and WDW350, for the disposal by injection of nonhazardous industrial and municipal wastes received from off-site sources on a commercial basis and generated on-site (the "Application").

2. The Executive Director ("ED") declared the Application to be administratively complete on August 15, 2019.

**ORIGINAL PETITION TO REVOKE US ECOLOGY WINNIE, LLC'S TCEQ
PERMIT NOS. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349
AND WDW350**

3. The public comment period ended on May 12, 2023.

4. On February 21, 2024, the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) considered during its open meeting requests for hearing filed by Grayson Eden Pipkin, Bruce Fletcher Pipkin, and Pipkin Ranch Holdings, LP concerning the Application. These requests for hearing were filed pursuant to Tex. Water Code § 5.556 (titled “Request For Reconsideration Or Contested Case Hearing”).

5. By Interim Order dated February 27, 2024, the Commission found that Grayson Eden Pipkin, Bruce Fletcher Pipkin, and Pipkin Ranch Holdings, LP were each affected persons and granted their respective hearing requests. **Exhibit A**. The sole issue to be decided was “Whether any existing rights, including, but not limited to, mineral rights, will be impaired by US Ecology’s injection of industrial and municipal nonhazardous waste in accordance with Texas Water Code§ 27.051(a)(2). **Exhibit A**.”

6. On February 29, 2024 the chief clerk mailed the commission order to Applicant. **Exhibit A**.

7. Because the Application was submitted after September 1, 2015, and was referred to the State Office of Administrative Hearing (“SOAH”) under Texas Water Code, §5.556, 30 Tex. Admin. Code § 80.118(d)(1) requires the applicant to “provide two duplicates of the original application, including all revisions to the application, to the chief clerk for inclusion in the administrative record in the format and time required by the procedures of the commission, no later than 10 days after the chief clerk mails the commission order.” This rule allows the contested case process to proceed. If an applicant does not comply with this rule, the Application is never forwarded to SOAH and the Contested Case Hearing is not held.

8. Pursuant to 30 Tex. Admin. Code § 80.118(d)(1), Applicant was required to forward the Application to the chief clerk's office by **March 11, 2024**.¹ According to the Applicant, the information was forwarded to the Chief Clerk sometime around April 29, 2025 (only after receiving a notice copy of this Petition to Revoke. Therefore, Applicant was approximately 414 days late. Applicant has therefore missed its 10 day deadline by 404 days.

9. Applicant has clearly failed to file the Application with the Chief Clerk to avoid having a contested case hearing. Because the Application includes a renewal provision, so long as the Application is pending, Applicant is able to continue operating without actually receiving the renewal. According to 30 Tex. Admin. Code § 305.63(a)(4) “[i]f renewal procedures have been initiated before the permit expiration date, the existing permit will remain in full force and effect and will not expire until commission action on the application for renewal is final” (hereafter the “Renewal Rule”). In this case Applicant has continued to operate under a permit while thwarting any possibility that there be final renewal by refusing to submit the Application to the Chief Clerk – thus using the Renewal Rule to continue operating without being subject to the required contested case hearing.

10. The Commission may revoke an original or renewal permit if the commission finds after notice and hearing, that “the permit holder or applicant is unable to ensure that the management of the hazardous waste management facility conforms or will conform to this title and the rules of the commission.” 30 Tex. Admin. Code § 305.66(f)(5). Because Applicant has blatantly violated the rule to timely forward a copy of the Application to the Chief Clerk, it has been operating illegally under the Renewal Rule for 404 days and it has effectively avoided

¹ Ten days was actually March 10, 2024, but that day was a Sunday.

addressing the question of whether any existing rights, including, but not limited to, mineral rights, are being impaired by US Ecology's injection of industrial and municipal nonhazardous waste in accordance with Texas Water Code § 27.051(a)(2).

11. Applicant may argue that it has cured this blatant and cynical use of the Renewal Rule. But a delay of over a year should not be rewarded. Applicant has brought this upon itself, has chosen not to pursue the renewal in accordance with the regulations, and has therefore relinquished its ability to rely on the Renewal Rule. It has only itself to blame, and is cynically using the TCEQ rules to circumvent the rights of affected parties. Such behavior should not be rewarded.

12. Pursuant to 30 Tex. Admin. Code § 305.66(f)(5), the undersigned certifies that notice of the intention and a copy of the petition to be filed was personally served on or sent by certified mail to the permittee at the last address of record with the commission. This notice was given at least 15 days before a petition for revocation or suspension was submitted to the executive director or filed with the commission for further proceedings. A copy of the certified mail receipt is attached as **Exhibit B**.

PRAYER

Petitioner respectfully requests that the Commission grant this Petition and initiate proceedings to revoke TCEQ Permit Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349 AND WDW350 and/or the renewal of TCEQ Permit Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349 AND WDW350 under 30 Tex. Admin. Code § 305.66(f)(5) because the permit holder or applicant is unable to ensure that the management of the hazardous waste management facility conforms or will conform to this title and the rules of

the commission. Specifically, the permit holder and Applicant has intentionally delayed a contested case hearing to determine whether any existing rights, including, but not limited to, mineral rights, are being impaired by US Ecology's injection of industrial and municipal nonhazardous waste in accordance with Texas Water Code § 27.051(a)(2). It is far too late to allow for Applicant to cure this violation. Petitioner also requests all other such relief to which Petitioner may be entitled.

Respectfully submitted,

/s/ David J. Tuckfield

THE AL LAW GROUP, PLLC

David J. Tuckfield

State Bar Number: 00795996

12400 West Hwy 71, Suite 350-150

Austin, TX 78738

Telephone: (512) 576-2481

Facsimile: (512) 366-9949

david@allawgp.com

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May 2025 a true and correct copy of the foregoing document was filed electronically with the Office of the Chief Clerk and was served on the following as indicated:

FOR US Ecology Winnie, LLC (via certified mail):

Duncan C. Norton
Mattie C. Neira
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, TX 78701

US Ecology Winnie, LLC
26400 Wilber Rd
Winnie TX 77665-8745

FOR THE EXECUTIVE DIRECTOR via certified mail:

Kelly Keel
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087, MC 109
Austin, Texas 78711 3087

Don Redmond, Staff Attorney
Environmental Law Division
State Bar of Texas No. 24010336
Don.redmond@tceq.texas.gov
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-0612

FOR PUBLIC INTEREST COUNSEL via certified mail:

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

/s/ David J. Tuckfield

EXHIBIT A

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

February 29, 2024

TO: Persons on the attached mailing list

RE: US Ecology Winne, LLC

TCEQ Docket No. 2023-1590-WDW; UIC Permit Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349, and WDW350

Enclosed is a copy of an interim order issued by the Commission regarding the above-referenced matter.

Should you have any questions, please contact Mehgan Taack of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3313.

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/mt

Enclosure

MAILING LIST
US Ecology Winnie, LLC
TCEQ Docket No. 2023-1590-WDW; UIC Permit Nos. WDW344, WDW345, WDW346,
WDW347, WDW348, WDW349, and WDW350

FOR THE APPLICANT:

Duncan C. Norton, Attorney
Mattie C. Neira, Attorney
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

Yvonne Hudspeth, General Manager
US Ecology Winnie, LLC
26400 Wilber Road
Winnie, Texas 77665

Graciela E. Moore, P.G.
WSP USA, Inc.
16200 Park Row, Suite 200
Houston, Texas 77084

INTERESTED PERSON(S):

Joe Jimenez
Lloyd Gosselink Rochelle & Townsend PC
816 Congress Avenue, Ste 1900
Austin, Texas 78701

Mark C. Sparks
The Ferguson Law Firm
3155 Executive Boulevard
Beaumont, Texas 77705

David J. Tuckfield
The AL Law Group PLLC
12400 West Highway 71, Suite 350-150
Bee Cave, Texas 78738

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Diane Goss, Staff Attorney
Don Redmond, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Pavan Bairu, Technical Staff
Texas Commission on Environmental
Quality
Radioactive Materials Division, MC-233
P.O. Box 13087
Austin, Texas 78711

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

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Sheldon Wayne, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK
via eFilings:

Docket Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
www.tceq.texas.gov/goto/efilings

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER

concerning the application of US Ecology Winnie, LLC for amendments and renewals of UIC Permit Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349, and WDW350; TCEQ Docket No. 2023-1590-WDW.

On February 21, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by Grayson Eden Pipkin, Bruce Fletcher Pipkin, and Pipkin Ranch Holdings, LP concerning the application of US Ecology Winnie, LLC (Applicant) for amendments and renewals of Underground Injection Control (UIC) Permit Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349, and WDW350. The amendments and renewals pertain to the disposal by injection of nonhazardous industrial and municipal wastes via seven UIC wells at a commercial nonhazardous UIC facility located at 26400 Wilber Road, Winnie, Jefferson County, Texas. The requests for hearing were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing filed by the Executive Director, Office of Public Interest Counsel, and Applicant; the requesters' timely reply; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Grayson Eden Pipkin, Bruce Fletcher Pipkin, and Pipkin Ranch Holdings, LP are affected persons and granted

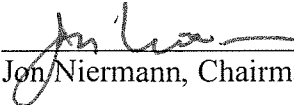
their requests for hearing. The Commission next determined whether the requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by an affected person during the comment period, and which are relevant and material to the decision on the application. The Commission determined that the following issue met those requirements and directed that it be referred to SOAH for contested case hearing: Whether any existing rights, including, but not limited to, mineral rights, will be impaired by US Ecology's injection of industrial and municipal nonhazardous waste in accordance with Texas Water Code § 27.051(a)(2). Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- 1) The hearing requests of Grayson Eden Pipkin, Bruce Fletcher Pipkin, and Pipkin Ranch Holdings, LP are hereby GRANTED;
- 2) The following issue is referred to SOAH for a contested case hearing on the application: Whether any existing rights, including, but not limited to, mineral rights, will be impaired by US Ecology's injection of industrial and municipal nonhazardous waste in accordance with Texas Water Code § 27.051(a)(2);
- 3) All issues not identified as being referred to SOAH in Ordering Provision No. 2 are hereby DENIED;
- 4) The maximum duration of the hearing is set at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and

- 5) If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



Jon Niermann, Chairman

2/27/24

Date Signed

EXHIBIT B

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