

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER

concerning the application by PC-II, LLC for MSW Permit No. 2406; TCEQ Docket No. 2025-0468-MSW.

On June 6, 2025, the Texas Commission on Environmental Quality (Commission) considered during its open meeting numerous requests for hearing and reconsideration concerning the application by PC-II, LLC (Applicant) for Municipal Solid Waste (MSW) Permit No. 2406. The application seeks a permit to authorize a new Type I MSW landfill proposed to be located in San Jacinto County, Texas.

The requests for hearing and reconsideration 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 and reconsideration filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; requesters' timely replies; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined to grant the hearing request of Houston San Jacinto Ranch, LLC. The Commission also determined to refer the hearing request of Sarah Lynskey to the State Office of Administrative Hearings (SOAH) for an affectedness determination. The Commission determined that the remaining hearing requests and requests for reconsideration be denied.

The Commission next determined whether the granted request 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 that are relevant and material to the decision on the application. The Commission

determined that the following issues met those requirements and directed that they be referred to SOAH for a contested case hearing: 1) Whether the application and draft permit contains sufficient control measures to protect groundwater, surface water, and drinking water as required by applicable rules; 2) Whether the data and information in the application is substantially complete and accurate; 3) Whether the draft permit is protective of the health of affected persons and their families; 4) Whether the application adequately protects threatened and endangered species in accordance with applicable rules; 5) Whether the application and draft permit propose adequate measures to prevent nuisance conditions, such as odor, in accordance with applicable rules; 6) Whether the application and draft permit adequately address the control of vectors at the proposed facility in accordance with applicable TCEQ rules; and 7) Whether the landfill gas management plan meets all applicable rule requirements. The Commission denied referral of all remaining issues to SOAH.

Finally, the Commission referred this matter to the Commission's Alternative Dispute Resolution (ADR) Program, to run concurrently with SOAH preliminary hearing scheduling efforts, and 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 request of Houston San Jacinto Ranch, LLC is hereby GRANTED;
- 2) The hearing request of Sarah Lynskey is referred to SOAH for a determination on whether she qualifies as an affected person;
- 3) The remaining hearing requests and requests for reconsideration are hereby DENIED;
- 4) The following issues are referred to SOAH for a contested case hearing on the application:
 - A) Whether the application and draft permit contains sufficient control measures to protect groundwater, surface water, and drinking water as required by applicable rules;

- B) Whether the data and information in the application is substantially complete and accurate;
 - C) Whether the draft permit is protective of the health of affected persons and their families;
 - D) Whether the application adequately protects threatened and endangered species in accordance with applicable rules;
 - E) Whether the application and draft permit propose adequate measures to prevent nuisance conditions, such as odor, in accordance with applicable rules;
 - F) Whether the application and draft permit adequately address the control of vectors at the proposed facility in accordance with applicable TCEQ rules; and
 - G) Whether the landfill gas management plan meets all applicable rule requirements.
- 5) All issues not identified as being referred to SOAH in Ordering Provision No. 4 are hereby DENIED;
 - 6) This matter is referred to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH scheduling process;
 - 7) 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
 - 8) 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


For the Commission


Date Signed