

Technical Summary and Executive Director's Preliminary Decision

April 30, 2026

Description of Application

- Applicant:** EnviroSafe Demil, LLC
Industrial Solid Waste Registration No. 98470
Proposed Hazardous Waste Permit No. 50424
EPA I.D. No. TXD TXR000086289
- Location:** EnviroSafe Demil, LLC is located at 401 Demil Way, Hooks, Texas 75561 near Cypress Street and Oak Street on approximately 175 acres in Hooks, Bowie County, Texas. The site is within the drainage area of Segment 0201 of the Red River Basin (North Latitude 33°27'3.24", West Longitude 94°15'14.65").

This facility is not located in an area affected by the Texas Coastal Management Program.
- General:** EnviroSafe Demil, LLC proposes to operate a commercial industrial and hazardous waste management facility which will conduct demilitarization activities. The facility will conduct storage and treatment of military and industrial munitions from off-site sources on commercial basis. Wastes will be generated on-site and received from off-site sources and will include military munitions and energetics.
- Request:** EnviroSafe Demil, LLC applied to the Texas Commission on Environmental Quality (TCEQ) for a permit for the operation of three container storage areas, and construction and operation of two miscellaneous units for storage, processing and treatment of hazardous waste munitions. The request was submitted to comply with the permitting requirements in 30 Texas Administrative Code (TAC) Chapters 305 and 335, and 40 Code of Federal Regulations Chapters Part 264, 270, and Part 63, Subpart EEE, as adopted by reference in 30 TAC Section 113.620.

TCEQ received the application, dated December 3, 2024, on December 10, 2024.
- Authority:** The permit is required by 30 TAC Sections 335.2 and 335.43, and Section 3005(c) of the Hazardous and Solid Waste Amendments of 1984 (HSWA). A draft permit was prepared in accordance with applicable requirements of 30 TAC Chapters 335 and 305, which have been adopted under the authority of the Texas Health and Safety Code Ann., Chapter 361 (Vernon Supp.), and Section 5.103, Texas Water Code Ann. (Vernon Supp.). In addition, a portion of the prepared draft permit is under Federal authority which implements applicable requirements of HSWA for which the TCEQ is not authorized. The TCEQ and EPA have entered into a Joint Permitting Agreement (JPA) whereby EPA accepts the applicant's information submitted through the State as a Federal application for purposes of implementing HSWA.

Technical Information

The proposed permit includes the following:

- A. Establishes general provisions for construction, operation, and closure of the subject facility units (30 TAC Chapter 335, Subchapter F and Chapter 350);
- B. Requires the permittee to establish and maintain financial assurance to provide for proper facility closure in the total amount of \$709,805 (2025 dollars) (30 TAC Section 335.179);
- C. Requires the permittee to control access to the facility (40 CFR 264.14);
- D. Specifies minimum physical conditions, training, routine inspections and emergency procedures for the facility units (30 TAC Sections 335.153 and 335.177, 40 CFR Part 264, Subparts B, C and D);

- E. Standard permit provisions and other requirements pertaining to the management of industrial solid waste, including hazardous industrial solid wastes (40 CFR Part 264, Subpart B);
- F. Land Disposal Restrictions Provision II.7 which will implement the applicable requirements of HSWA upon issuance of the permit by EPA (40 CFR Part 268);
- G. Requirements for performing a RCRA Facility Investigation and where necessary, associated corrective action (30 TAC Section 335.167, RCRA Sections 3004(u) and 3005, 40 CFR Section 264.101);
- H. The following is a brief description of waste management units and corresponding regulatory requirements encompassed by this permit:

Container storage area - design and operating requirements for the containment system; management, inspection and air emission requirements for the containers storing wastes; and closure requirements for the containers and containment system. (40 CFR Part 264, Subpart I)

Miscellaneous unit - Rocket Motor Ops Building - design and operating requirements for the preparation building; management, inspection and air emission requirements for the building; and closure requirements for the building. (40 CFR Part 264, Subpart X and 40 CFR Part 264, Subpart I)

Miscellaneous unit - Hybrid Burn Chamber (HBC) - performance standards for operation of the HBC; operating requirements for the HBC including composition of the waste feed and associated operating limits, prevention of fugitive emissions, and automatic waste feed cut off, as applicable; waste analysis requirements for analysis of the waste feed; monitoring and inspection requirements; and closure requirements. (40 CFR Part 264, Subpart X and 40 CFR Part 63, Subpart EEE)

Public Notice

The public notice issued in conjunction with the final draft permit satisfies the requirements of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6901 *et seq.* and 40 CFR 124.10. The TCEQ and EPA have entered into a joint permitting agreement whereby RCRA permits will be issued in Texas in accordance with the Texas Solid Waste Disposal Act, Texas Health and Safety Code Ann., Chapter 361, and with RCRA, as amended. If TCEQ and EPA decide to issue a final permit to this facility, the permit will implement both the requirements of RCRA as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the federally authorized State requirements. However, the State of Texas has not received full HSWA authority. Therefore, if the draft permit contains HSWA requirements for which the TCEQ is not authorized, both the TCEQ and EPA must issue the permit in order for the applicant to have a fully effective RCRA permit. Any jointly issued permit provisions will be fully enforceable under State and Federal law. Areas in which the TCEQ is not authorized by EPA are denoted in the draft permit with an asterisk (*). Persons wishing to comment or request a hearing on a HSWA requirement denoted with an asterisk (*) in the draft permit should also notify EPA in writing as follows: Chief, RCRA Permits and Solid Waste Section, EPA Region 6 - LCRRP, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102. EPA will accept hearing requests submitted to the TCEQ.

Opportunity for Hearing

Before a permit can be issued, extended, or renewed, the TCEQ will provide an opportunity for a hearing to the applicant and persons affected. If a hearing is requested, the Commission will determine whether to grant or deny the hearing requests. If the hearing requests are denied, the draft permit may be considered for issuance by the Commission or the executive director. If the hearing requests are granted, the hearings will be conducted by the State Office of Administrative Hearings. EPA will reach a decision on the HSWA portion of the joint permit based on the hearing record developed by the TCEQ. The EPA portion of the permit implementing nonauthorized HSWA provisions will become effective thirty (30) days after the

date of issuance if changes were required.

Decisions regarding the permit provisions issued under State authority may be reconsidered in response to a Motion for Rehearing or a Motion for Reconsideration and by appeal to a District Court in Travis County. Decisions regarding the permit provisions issued under Federal authority may be reconsidered in accordance with the procedures of 40 CFR 124.19.

Preliminary Decision

- General: The executive director made a preliminary decision that this proposed permit, if issued, meets all the statutory and regulatory requirements.
- Special: The proposed permit does not authorize variances or alternatives to required standards.

Additional Information

- A. Technical information:
Vahab Haghghatian, Project Manager
Industrial and Hazardous Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
Mail Code MC 130
P. O. Box 13087
Austin, Texas 78711-3087
512/239-2335
- B. HSWA information:

Mr. Harry Shah
Environmental Engineer
RCRA Permits and Solid Waste Section
U.S. Environmental Protection Agency
Region VI - LCRRP
1201 Elm Street, Suite 500
Dallas, TX 75270-2102
- C. Procedural and public hearing information:
Office of Public Interest Counsel
Texas Commission on Environmental Quality
Mail Code MC 103
P. O. Box 13087
Austin, Texas 78711-3087
512/239-6363

Prepared by:

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