Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 29, 2010

Mr. Ramiro L. Gomez, Jr.
Director of Solid Waste Management
City of Edinburg
P.O. Box 1079
Edinburg, Texas 78540

Re: City of Edinburg Type I Landfill - Hidalgo County
Municipal Solid Waste - Permit No. 956B
Limited Scope Permit Amendment Application – Notice of Application Publication
Tracking Nos. 12815569, 12879526, & 12920720; RN102217734 / CN600647978

Dear Mr. Gomez:

The executive director has completed the technical review of the above referenced application and has prepared a preliminary decision and draft limited scope permit amendment.

You are now required to publish another notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Publisher's Affidavits
- Executive Director's Preliminary Decision
- Public Notice Verification Form

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

1. Publish the enclosed notice within 45 calendar days after the date of this cover letter. You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.

2. On or before the date you publish notice, you must place the following items in a public place in the county where the facility is or will be located: (a) a copy of your limited scope permit amendment application, including any subsequent revisions; (b) the executive director's

preliminary decision as contained in the technical summary and fact sheet; and (c) the draft limited scope permit amendment, including any subsequent revisions. These items must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

3. For each publication, return an original clipping of the newspaper notice that shows the publication date and newspaper name to the Office of the Chief Clerk within 10 business days after notice is published in the newspaper.

4. Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within 30 calendar days after the notice is published in the newspaper.

If you do not comply with all the requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at 512-239-3300. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

Sincerely,

LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality

LC/PHP/fp

cc: Mr. Jeffery B. Fassett, P.E., Golder Associates Inc., Houston

Enclosures

bcc: Ms. Lorinda Gardner, TCEQ, Waste Program Manager, Harlingen Region Office, MC R-15
Mr. P. Hunt Prompuntagorn, TCEQ, Waste Permits Division, MC 124
Ms. Carlotta Vann, Waste Permits Division, MC 126

Admin Note:

MR JEFFERY B FASSETT PE
GOLDER ASSOCIATES INC
500 CENTURY PLAZA DRIVE SUITE 190
HOUSTON TX 77073

MR RAMIRO L GOMEZ JR
DIRECTOR OF SOLID WASTE MANAGEMENT
CITY OF EDINBURG
P.O BOX 1079
EDINBURG TEXAS 78540

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR MUNICIPAL SOLID WASTE LIMITED SCOPE PERMIT AMENDMENT

PERMIT NO. 956B

APPLICATION AND PRELIMINARY DECISION. The City of Edinburg, Department of Solid Waste Management, P. O. Box 1079, Edinburg, Hidalgo County, Texas 78540-1 079, has applied to the Texas Commission on Environmental Quality (TCEQ) for a limited scope permit amendment to the current municipal solid waste (MSW) Type I landfill permit. The applicant is requesting to relocate the site entrance from Encinitos Road to Jasman Road to share the site entrance with the adjacent MSW Type IV landfill and to improve safety. The facility is located at 900 Encinitos Road, Edinburg, Hidalgo County, Texas 78539. The TCEQ received the application on August 27, 2009.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft limited scope permit amendment. The draft amendment, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this limited scope permit amendment, if issued, meets all statutory and regulatory requirements. The limited scope permit amendment application, Executive Director's preliminary decision, and draft amendment sheet are available for viewing and copying at the Edinburg City Hall, 415 West University Drive, Edinburg, Hidalgo County, Texas 78539.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A person who may be affected by the proposed facility is entitled to request a contested case hearing from the commission.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address, phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on

behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. All written public comments and requests must be submitted within 30 days from the date of newspaper publication of this notice to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.state.tx.us/about/comments.html. If you need more information about this application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

Further information may also be obtained from the City of Edinburg at the address stated above or by calling Mr. Ramiro L. Gomez, Jr., Director of Solid Waste Management, at (956) 381-5635.

Issuance Date: January 29, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INSTRUCTIONS FOR PUBLIC NOTICE
For Municipal Solid Waste Permit

NOTICE OF APPLICATION AND PRELIMINARY DECISION

The executive director has completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions:

Please Review Notice
We have included in the notice all of the information that we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ.

Newspaper Notice

- You must publish the enclosed Notice of Application and Preliminary Decision within **45 calendar days** after the date this information was mailed to you (see date of cover letter).

- You must publish the enclosed Notice of Application and Preliminary Decision at your expense, in a newspaper that meets the following requirements:

  - First. You must publish notice either 1) in the newspaper of largest general circulation *that is published in the county* in which the facility is located or is proposed to be located, or 2) if a newspaper is not published in the county, the notice must be published in any newspaper of general circulation in the county; and

  - Second. You must publish the enclosed Notice of Application and Preliminary Decision at least once in the same newspaper as the Notice of Receipt of Application and Intent to Obtain Permit.

- The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

Alternative Language Notice
If your application was received on or after November 30, 2005, you must publish notice in an alternative language if the following criteria are met.

- You must publish the public notice in an alternative language if either the elementary or middle school nearest to the facility or proposed facility is required to provide a bilingual education program as required by TEX. EDUC. CODE, Chapter 29, Subchapter B, and 19 TEX. ADMIN. CODE § 89.1205(a) and one of the following conditions is met:

  - students are enrolled in a program at that school;

  - students from that school attend a bilingual education program at another location; or

  - the school that otherwise would be required to provide a bilingual education program waives out of this requirement under 19 TEX. ADMIN. CODE § 89.1205(g).

- If triggered, you must publish the notice in the alternative language taught in the bilingual education program. You must publish this notice in a newspaper or publication primarily published in that alternative language. The newspaper or publication must be of general circulation in the county in which the facility is located or proposed to be located. If the facility is located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

- You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements.

- You have the burden to demonstrate compliance with these requirements. To assist you in meeting these requirements, the TCEQ has provided a Public Notice Verification Form (enclosed). You must fill out the attached Public Notice Verification Form indicating your compliance with the requirements regarding publication in an alternative language.

- If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. You may obtain the electronic version of the Spanish template from the TCEQ website at www.tceq.state.tx.us/nav/permits/wastespanishtemplates.html .

- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

Proof of Publication

Check each publication to ensure that the notices were accurately published. If a notice was not published correctly you may have to republish.

- You must submit an **original newspaper clipping** of the published notice for **each** newspaper. The original newspaper clipping must show the date of publication and the name of the newspaper. You must submit the original newspaper clipping to the Office of the Chief Clerk within **10 business days** after the date of publication.

- For each newspaper notice, you must submit an **original publisher's affidavit** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **For each required published notice, you must use the appropriate Publisher's Affidavit form that is enclosed with these instructions**. The affidavit must clearly identify the applicant's name and permit number. If you are using one newspaper to satisfy all publication requirements, you must still fill out all affidavits, checking the relevant boxes for the criteria that the newspaper satisfies.

- You are encouraged to submit the Publisher's Affidavits with the original newspaper clipping described above. However, the affidavit must be submitted no later than **30 calendar days** after publication of the notice.

- You must fill out the attached Public Notice Verification form. On this Form, you must verify that you submitted the original notices and the Publisher's Affidavits as required by the TCEQ's regulations and instructions. This form must be submitted with the Publisher's Affidavits and the original newspaper clippings within **30 calendar days** after publication of the notice.

- The **original Publisher's Affidavits, the Public Notice Verification Form, and the original newspaper clippings of the published notices** must be mailed to:

  TCEQ
  Office of the Chief Clerk, MC 105
  Attn: Notice Team
  P.O. Box 13087
  Austin, Texas 78711-3087

- Please ensure that the Publisher's Affidavits and newspaper clippings you send to the Office of the Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted.

Failure to Publish and Submit Proof of Publication

If you fail to publish the notice or submit proof of publication by the deadlines set forth above, then the TCEQ may suspend further processing on your application or take other actions.

Application in a Public Place

- You must put a copy of the complete application, the executive director's preliminary decision as contained in the technical summary and fact sheet, the draft permit, and any subsequent revisions to these documents, in a public place for review and copying by the public. This public place must be located in the county where the facility is located or proposed to be located.

- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).

- This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

- If the application is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

- You must fill out the attached Public Notice Verification form. On this Form, you must verify that a complete application and all subsequent revisions are available for review and copying in a public place as required by the TCEQ's regulations and instructions. This Form must be submitted with the Publisher's Affidavit within **30 calendar days** after publication of the notice.

General Information

When contacting the Commission regarding this application, please refer to the permit number at the top of the Notice of Application and Preliminary Decision.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at 512-239-3300. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: City of Edinburg
Permit No.: 956B
NOTICE OF APPL. AND PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT #1
FOR MUNICIPAL SOLID WASTE PERMIT APPLICATIONS

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned notary public, on this day personally appeared,

_____, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____; that this newspaper is:
(name of newspaper)

(Check applicable box)

☐ the newspaper of largest general circulation *that is published in the county* in which the facility is located or proposed to be located, or

☐ the newspaper is generally circulated within the county; and there is no newspaper published in the county;

and that the attached notice was published in said newspaper on the following date(s):

_____.

Subscribed and sworn to before me this the _____ day of _____, 20__,

by _____.
Newspaper Representative's Signature

(Personalized Seal)

_____
Notary Public in and for the State of Texas

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: City of Edinburg
Permit No.: 956B
NOTICE OF APPLICATION AND PRELIMINARY DECISION

AFFIDAVIT OF PUBLICATION #2
FOR MUNICIPAL SOLID WASTE PERMIT APPLICATIONS

STATE OF TEXAS §

COUNTY OF_____§

BEFORE ME, the undersigned authority, on this day personally appeared _____, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the _____
(title of newspaper representative)
of the _____; that said newspaper is
(name of newspaper)

(Check all applicable)

☐ the newspaper of largest circulation within the county where the facility is or is proposed to be located; or

☐ the facility is located or is proposed to be located in a municipality and the newspaper is generally circulated in the municipality;

If using one newspaper to satisfy all publication requirements, you must still fill out Affidavit #2, checking the boxes indicating the criteria the newspaper satisfies.

and that the attached notice was published in said newspaper on the following date(s):

_____.

Subscribed and sworn to before me this the _____ day of _____, 20___,

by _____.
Newspaper Representative's Signature

(Personalized Seal)

_____
Notary Public in and for the State of Texas

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: City of Edinburg
PERMIT NO.: 956B
NOTICE OF APPLICATION AND PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT FOR ALTERNATIVE LANGUAGE

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned notary public, on this day personally appeared, _____, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____; that this newspaper is generally
(name of newspaper)

circulated in _____ County, Texas, and is published primarily
(same county as proposed facility)

and is published primarily in _____ language; that the attached
(alternative language)

notice was published in said newspaper on the following date(s):

_____.

Subscribed and sworn to before me this the _____ day of _____, 20____,

by _____.
Newspaper Representative's Signature

(Personalized Seal)

_____
Notary Public in and for the State of Texas

OCC #

(TCEQ use only)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Waste Permit

Applicant Name: _____

Site or Facility Name: _____

TCEQ Account Number (if applicable): _____ Permit Number: _____

Regulated Entity Number: _____ Customer Number: _____

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice refer to the instructions in the public notice package.

ALTERNATIVE LANGUAGE CHECKLIST		
I have contacted the appropriate school district.	❒ YES ❒ NO	
A bilingual education program is required by the Texas Education Code in the district.	❒ YES ❒ NO	
School District:	Phone:	
Person Contacted:	Date:	
The name of the elementary school nearest to the proposed or existing facility is:		
The name of the middle school nearest to the proposed or existing facility is:		
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district.	❒ YES ❒ NO	
The following language(s) is/are utilized in the bilingual program:		
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the *Instructions for Public Notice* and certify as applicable on this form.		

ALTERNATIVE LANGUAGE VERIFICATION		
I verify that the area addressed by this permit application is subject to alternative language public notice requirements.	❒ YES ❒ NO	
I verify that the applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located).	❒ YES ❒ NO	
I verify that no such newspaper or publication was found in any of the alternative language(s) in which notice is required.	❒ YES ❒ NO	
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located).	❒ YES ❒ NO ❒ N/A	
Newspaper:	Language:	
I verify that bilingual sign(s) required by the TCEQ were posted. (*if applicable*)	❒ YES ❒ NO	
I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ.	❒ YES ❒ NO	
Signed by:	Applicant:	
Title:	Date:	

OCC #

(TCEQ use only)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Waste Permit

Applicant Name:_____

Site or Facility Name: _____

TCEQ Account Number (if applicable): _____ Permit Number: _____

Regulated Entity Number: _____ Customer Number: _____

WASTE PERMIT NOTICE VERIFICATION	
I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ. ❒ YES ❒ NO	
Notice of Receipt of Application and Intent to Obtain Permit (1st Notice): I verify that a copy of the complete waste application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. ❒ YES ❒ NO **Notice of Application and Preliminary Decision (2nd Notice, if applicable):** I verify that a copy of the complete waste application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and I also verify that the waste application and draft permit, and any revisions, will remain in the designated public place until either: 1) the TCEQ acts on the application; or 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing. ❒ YES ❒ NO In addition, I certify that broadcast notice of application was given as required by 30 TAC §39.503(d)(2) on the following radio stations which broadcast to all of _____ County(ies), TX *(if applicable)* ❒ YES ❒ NO Radio Stations: _____	
Name and Address of Public Place:	
Signed by:	
Title:	Date:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

December 17, 2009

DESCRIPTION OF APPLICATION

Applicant: City of Edinburg

City of Edinburg Type I Landfill

Municipal Solid Waste (MSW) Limited Scope Permit Amendment Application to MSW Permit No. 956B

Type: Type I Municipal Solid Waste Landfill

EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

The Executive Director of the Texas Commission on Environmental Quality has made the preliminary decision that this proposed limited scope amendment to MSW Permit No. 956B complies with all applicable statutory and regulatory requirements.

TECHNICAL SUMMARY
of the

City of Edinburg Type I Landfill
Municipal Solid Waste Limited Scope Permit Amendment Application
No. 956B

Type I
Municipal Solid Waste Facility
Hidalgo County, Texas

Applicant:
City of Edinburg

Date Prepared: January 19, 2010

Prepared and Issued by the
Texas Commission on Environmental Quality
Office of Permitting, and Registration
Waste Permits Division
Municipal Solid Waste Permits Section

This summary was prepared in accordance with 30 Texas Administrative Code Section 281.21(c). The information contained in this summary is based upon the limited scope permit amendment application. Not all of the information contained in this summary has been independently verified.

Name of Applicant:	City of Edinburg P. O. Box 1079 Edinburg, Texas 78540
Name of Facility:	City of Edinburg Type I Landfill
Contact Person:	Mr. Ramiro L. Gomez, Jr. Director of Solid Waste Management City of Edinburg P. O. Box 1079 Edinburg, Texas 78540 (956) 381-5635
Consulting Engineers:	Ms. May Xin, P.E. Golder Associates, Inc. 500 Century Plaza Drive, Suite 190 Houston, TX 77073 (281) 821-6868
Type of Facility:	Type I Municipal Solid Waste Landfill Facility

Summary of Changes:

This limited scope permit amendment application, submitted by the City of Edinburg, is to relocate the site main entrance from Encinitos Road to Jasman Road, for the existing Type I Municipal Solid Waste landfill in Hidalgo County, Texas. No other changes to the existing permit are proposed except the removal of the existing scale house and office.

Additional Information:

For information concerning the regulations covering this application, contact the Texas Commission on Environmental Quality:

Mr. P. Hunt Prompuntagorn
MSW Permits Section, MC 124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711
(512) 239-1191

For more specific detailed technical information concerning any aspect of this application or to request a copy of the Site Development Plan, please contact the Applicant's Agent or the Applicant at the address provided at the beginning of this summary.

Public Participation Process:

The process through which the public is allowed to participate in the final decision on the issuance of a limited scope permit amendment is outlined as follows.

1. The Texas Commission on Environmental Quality (TCEQ) will hold a public meeting if the Executive Director determines that there is substantial public interest in the application or if requested by a local legislator. During this meeting the Commission accepts formal comments on the application. There is also an informal question and answer period.

2. Technical review of the application is completed, a final draft amendment sheet is prepared, and the application is declared technically complete. Information for the application, the draft amendment sheet, the notice, and summaries are sent to the Chief Clerk's office for processing.

3. The "Notice of Application" is sent to the applicant and published in the newspaper. This notice provides a 30-day period, from the date of publication, for the public to make comment(s) about the application or draft amendment sheet. The notice also allows the public to request a public meeting for the proposed facility.

4. After the 30-day comment period has ended, a "Response to Comments" (RTC) is prepared for all comments received through the mail and at a public meeting. The RTC is then sent to all persons who commented on the application. Persons who receive the comments have a 30-day period after the RTC is mailed in which to request a public hearing.

5. After the 30-day period to request a hearing is complete, the matter is placed on an agenda meeting for the TCEQ Commissioners to make a determination to grant any of the hearing requests and refer the matter to the State Office of Administrative Hearings for a public hearing.

6. A public hearing is a formal process in front of an Administrative Law Judge (ALJ) who conducts the hearing. The applicant and protestant party(ies) present witnesses and testimony to support or dispute information contained in the application. When all of this is complete, the ALJ will issue a Proposal for Decision (PFD). This PFD is placed on an agenda meeting of the TCEQ Commissioners for consideration of issuance or denial of a limited scope permit amendment.

7. After the commission has approved or denied an application, a motion for rehearing may be made by a party that does not agree with the decision. Any motion for rehearing must be filed no later than 20 days after the party or the party's attorney of record is notified of the decision. The matter could be set on another agenda for consideration by the Commission, or allowed to expire by operation of law.

8. Applications for which no one requests a contested case hearing are considered uncontested matters after the 30-day comment period. The application is placed on the Executive Director's signature docket and a limited scope permit amendment is issued. Any motion to overturn the Executive Director's decision must be filed no later than 23 days after the agency mails notice of the signed amendment sheet.