

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 7, 2022

The Honorable Hoppy Haden
Judge
Caldwell County
110 S. Main Street, Room 201
Lockhart, Texas 78644

Re: 130 Environmental Park, LLC
Lockhart, Caldwell County, Texas
Municipal Solid Waste Permit Number: 2383
RN106897036/CN604375972
Notice of Receipt of Application for a Type I Limited Scope Permit Major
Amendment Application

Dear Judge Haden:

The Texas Commission on Environmental Quality (TCEQ) is currently in the process of conducting a technical review of a Municipal Solid Waste (MSW) permit application to determine compliance with state and federal regulations. Based upon the results of the review the TCEQ will act to issue or deny the permit within a scheduled time frame. Enclosed are the Part I form of the TCEQ MSW application and a copy of the public notice.

Further information concerning this application may be obtained by viewing the public copy at the Dr. Eugene Clark Library, 217 S. Main Street, Lockhart, Caldwell County, Texas 78644; the TCEQ Region 11 office located in Austin; or by contacting Mr. Steve Odil at (512) 239-4568, TCEQ, Waste Permits Division, Municipal Solid Waste Permits Section, mail code MC 124, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

A handwritten signature in black ink, appearing to read "Guanhua Gai".

Guanhua Gai, License & Permit Specialist
Business and Program Services Section
Waste Permits Division

Enclosures

Texas Commission on Environmental Quality



Notice of Receipt of Application and Intent to Obtain Municipal Solid Waste Permit Amendment

Proposed Limited Scope Amendment to Permit No. 2383

Application. 130 Environmental Park, LLC, 5200 N. U.S. Highway 183 (NB), Lockhart, Texas 78644, a waste management company, has applied to the Texas Commission on Environmental Quality (TCEQ) for a limited-scope major permit amendment to authorize expanding the operating hours of the 130 Environmental Park Type I municipal solid waste landfill facility to 24 hours per day, seven days per week. The facility is located at 5200 N. U.S. Highway 183 (NB), Lockhart, Texas 78644, north of FM 1185 between U.S. Highway 183 and Homannville Trail, about two miles north of Lockhart in Caldwell County, Texas. The TCEQ received this application on December 23, 2021. The permit application is available for viewing and copying at Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Caldwell County, Texas 78644, and may be viewed online at <<https://www.biggsandmathews.com/on-line-documents/permits-v2/category/7-130-environmental-park>>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: < <https://arcg.is/1WrL4G1>>. For exact location, refer to application.

Additional Notice. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold 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, and the Executive Director's decision on the application, 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 reconsideration of the Executive Director's decision and for requesting a contested case hearing. A person who may be affected**

by the 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 state district court.

To Request a Contested Case Hearing, You Must Include The Following Items in Your Request: your name, address, phone number; 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; a list of all disputed issues of fact that you submit during the comment period; 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 by name and physical address 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 may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn.

If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decision on the application submitted during the comment period.

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 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. 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.

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at <www.tceq.texas.gov/goto/cid>. Once you have access to the CID using the above link, enter the permit number for this application, which is provided at the top of this notice.

Agency Contacts and Information. All public comments and requests must be submitted either electronically at <www14.tceq.texas.gov/epic/eComment/> or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at 800-687-4040 or visit their website at <www.tceq.texas.gov/goto/pep>. Si desea información en español, puede llamar al 800-687-4040.

Further information may also be obtained from 130 Environmental Park, LLC at the address stated above or by calling Mr. Brent Ryan, Attorney, at (512) 327-8111.

Issued Date: March 7, 2022

Facility Name: 130 Environmental Park
Permittee/Registrant Name: 130 Environmental Park, LLC
MSW Authorization #:2383
Initial Submittal Date: 12/22/2021
Revision Date: 01/21/2022



Texas Commission on Environmental Quality
Part I Application Form for New Permit, Permit
Amendment, or Registration for a
Municipal Solid Waste Facility

1. Reason for Submittal
<input checked="" type="checkbox"/> Initial Submittal <input type="checkbox"/> Notice of Deficiency (NOD) Response

2. Authorization Type
<input checked="" type="checkbox"/> Permit <input type="checkbox"/> Registration

3. Application Type
<input type="checkbox"/> New Permit <input type="checkbox"/> Permit Major Amendment <input checked="" type="checkbox"/> Permit Major Amendment (Limited Scope)
<input type="checkbox"/> New Registration

4. Application Fees
Amount
<input checked="" type="checkbox"/> \$2,050 for Permits and Permit Amendments <input type="checkbox"/> \$150 for Registrations
Payment Method
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Online through ePay portal < https://www3.tceq.texas.gov/epay/ >
If paid online, enter ePay Trace Number:

5. Application URL
Is the application submitted for a Type I Arid Exempt (AE) or Type IV AE facility?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If the answer is "No", provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted.
https://biggsandmathews.com/on-line-documents/permits-v2/category/7-130-environmental-park

6. Application Publishing

Party Responsible for Publishing Notice:

Applicant Agent in Service Consultant

Contact Name: **Brent Ryan**
P. O. Box 12127
Austin, TX 78711

Phone: **(512) 327-8111**
Title: **Attorney, McElroy, Sullivan, Miller, & Weber, LLP**
Email: **bryan@msmtx.com**

7. Alternative Language Notice

Is an alternative language notice required for this application? (For determination refer to Alternative Language Checklist on the Public Notice Verification Form TCEQ-20244-Waste)

Yes No

8. Public Place Location of Application

Name of the Public Place: **Dr. Eugene Clark Library**

Physical Address: **217 S. Main St.**

City: **Lockhart** County: **Caldwell** State: **TX** Zip Code: **78644**

(Area code) Telephone Number: **(512) 398-3223**

9. Consolidated Permit Processing

Is this submittal part of a consolidated permit processing request, in accordance with 30 TAC Chapter 33?

Yes No Not Applicable

If "Yes", state the other TCEQ program authorizations requested:

10. Confidential Documents

Does the application contain confidential documents?

Yes No

If "Yes", cross-reference the confidential documents throughout the application and submit as a separate attachment in a binder clearly marked "CONFIDENTIAL."

11. Permits and Construction Approvals			
Permit or Approval	Received	Pending	Not Applicable
Hazardous Waste Management Program under the Texas Solid Waste Disposal Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Underground Injection Control Program under the Texas Injection Well Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
National Pollutant Discharge Elimination System Program under the Clean Water Act and Waste Discharge Program under Texas Water Code, Chapter 26	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prevention of Significant Deterioration Program under the Federal Clean Air Act (FCAA). Nonattainment Program under the FCAA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
National Emission Standards for Hazardous Air Pollutants Preconstruction Approval under the FCAA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ocean Dumping Permits under the Marine Protection Research and Sanctuaries Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dredge or Fill Permits under the CWA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Licenses under the Texas Radiation Control Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. General Facility Information	
Facility Name: 130 Environmental Park	
Contact Name: Charles Appleby	Title: Vice President
MSW Authorization No. (if available): 2383	
Regulated Entity Reference No. (if issued)*: RN106897036	
Physical or Street Address (if available): 5200 N US Hwy 183 (NB)	
City: Lockhart County: Caldwell State: TX Zip Code: 78644	
(Area Code) Telephone Number: (512) 772-5099	
Latitude (Degrees, Minutes Seconds): N 29° 57' 47.24"	
Longitude (Degrees, Minutes Seconds): W 97° 39' 56.28"	
Benchmark Elevation (above mean sea level): 577.19ft.	
Provide a description of the location of the facility with respect to known or easily identifiable landmarks: Entrance to facility is on the northbound frontage road of SH 130 (US 183), ~ 1500 feet north of the intersection of US 183 and FM 1185.	
Detail access routes from the nearest United States or state highway to the facility:	
*If this number has not been issued for the facility, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Facility as the Regulated Entity.	

13. Facility Type(s)		
<input checked="" type="checkbox"/> Type I	<input type="checkbox"/> Type IV	<input type="checkbox"/> Type V
<input type="checkbox"/> Type I AE	<input type="checkbox"/> Type IV AE	<input type="checkbox"/> Type VI

14. Activities Conducted at the Facility		
<input checked="" type="checkbox"/> Storage	<input checked="" type="checkbox"/> Processing	<input checked="" type="checkbox"/> Disposal

15. Facility Waste Management Unit(s)	
<input checked="" type="checkbox"/> Landfill Unit(s)	<input type="checkbox"/> Incinerator(s)
<input type="checkbox"/> Class 1 Landfill Unit(s)	<input type="checkbox"/> Autoclave(s)
<input type="checkbox"/> Process Tank(s)	<input type="checkbox"/> Refrigeration Unit(s)
<input checked="" type="checkbox"/> Storage Tank(s)	<input type="checkbox"/> Mobile Processing Unit(s)
<input type="checkbox"/> Tipping Floor	<input type="checkbox"/> Type VI Demonstration Unit
<input checked="" type="checkbox"/> Storage Area	<input type="checkbox"/> Compost Pile(s) and/or Vessel(s)
<input type="checkbox"/> Container(s)	<input type="checkbox"/> Other (specify):
<input checked="" type="checkbox"/> Roll-off Boxes	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Surface Impoundment	<input type="checkbox"/> Other (specify)

16. Description of Proposed Facility or Changes to Existing Facility
Provide a brief description of the proposed activities if application is for a new facility, or the proposed changes to an existing facility or permit conditions if the application is for an amendment.
This amendment expands the operating hours of the 130 Environmental Park.

17. Facility Contact Information
Site Operator (Permittee/Registrant) Name: 130 Environmental Park, LLC
Customer Reference No. (if issued)*: CN604375972
Contact Name: Charles Appleby Title: Vice President -
Integrated Waste Solutions Group, Manager - 130 Environmental Park, LLC
Mailing Address: 5200 N US Hwy 183 (NB)
City: Lockhart County: Caldwell State: TX Zip Code: 78644
(Area Code) Telephone Number: (512) 772-5099
Email Address: charles.l.appleby@iwsgusa.com
TX Secretary of State (SOS) Filing Number: 0801836528
<small>*If the Site Operator (Permittee/Registrant) does not have this number, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Site Operator (Permittee/Registrant) as the Customer.</small>

Operator Name¹: Same as "Site Operator" (Permittee/Registrant")

Customer Reference No. (if issued)*:

Contact Name:

Title:

Mailing Address:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address:

TX SOS Filing Number:

¹If the Operator is the same as Site Operator/Permittee type "Same as "Site Operator (Permittee/Registrant)".

*If the Operator does not have this number, complete a TCEQ Core Data Form (TCEQ-10400) and submit it with this application. List the Operator as the customer.

Consultant Name (if applicable):

Texas Board of Professional Engineers Firm Registration Number: **F-256**

Biggs & Mathews Environmental

Contact Name: **David Clark, PE**

Title: **Engineer**

Mailing Address: **1700 Robert Road, Suite 100**

City: **Mansfield** County: **Tarrant** State: **TX** Zip Code: **76063**

(Area Code) Telephone Number: **(817) 563-1144**

Email Address: **dclark@biggsandmathews.com**

Agent in Service Name (required only for out-of-state): Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company

Mailing Address: **211 E. 7th Street, Suite 620**

City: **Austin** County: **Travis** State: **TX** Zip Code: **78701-3136**

(Area Code) Telephone Number: **(512) 397-1550**

Email Address:

18. Facility Supervisor's License

Select the Type of License that the Solid Waste Facility Supervisor, as defined in 30 TAC Chapter 30, Occupational Licenses and Registrations, will obtain prior to commencing facility operations.

Class A Class B

19. Ownership Status of the Facility

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Federal Government |
| <input type="checkbox"/> Individual | <input type="checkbox"/> City Government | <input type="checkbox"/> Other Government |
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> County Government | <input type="checkbox"/> Military |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> State Government | <input type="checkbox"/> Other (specify): |

Does the Site Operator (Permittee/Registrant) own all the facility units and all the facility property?

Yes No

If "No", provide the information requested below for any additional ownership.

Owner Name:

Street or P.O. Box:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address:

20. Other Governmental Entities Information

Texas Department of Transportation District: Austin

District Engineer's Name: **Tucker Ferguson**

Street Address or P.O. Box: **P.O. Drawer 15426**

City: **Austin** County: **Travis** State: **TX** Zip Code: **78761-5426**

(Area Code) Telephone Number: **(512) 832-7000**

Email Address:

The Local Governmental Authority Responsible for Road Maintenance (if applicable): Caldwell County Unit Road Administrator

Contact Person's Name: **Donald LeClerc**

Street Address or P.O. Box: **1700 FM 2720**

City: **Lockhart** County: **Caldwell** State: **TX** Zip Code: **78644**

(Area Code) Telephone Number: **(512) 398-7269**

Email Address:

City Mayor Information

City Mayor's Name: **Lew White**

Office Address: **P. O. Box 239**

City: **Lockhart** County: **Caldwell** State: **TX** Zip Code: **78644**

(Area Code) Telephone Number: **512-398-3461**

Email Address: **lwhite@lockhart-tx.org**

City Health Authority: N/A

Contact Person's Name:

Street Address or P.O. Box:

City: County: State: Zip Code:

(Area Code) Telephone Number:

Email Address:

County Judge Information

County Judge's Name: **Hoppy Haden**

Street Address or P.O. Box: **110 S. Main St, Room 201**

City: **Lockhart** County: **Caldwell** State: **TX** Zip Code: **78644**

(Area Code) Telephone Number: **512-398-1809**

Email Address: **hoppy.haden@co.caldwell.tx.us**

County Health Authority: DSHS Public Health Region 7

Contact Person's Name: **Sharon K. Melville, MD, MPH**

Street Address or P.O. Box: **2408 S. 37th St.**

City: **Temple** County: **Bell** State: **TX** Zip Code: **76504**

(Area Code) Telephone Number:

Email Address:

State Representative Information

District Number: **17**

State Representative's Name: **John P. Cyrier**

District Office Address: **1017 Main Street**

City: **Bastrop** County: State: **TX** Zip Code: **78602**

(Area Code) Telephone Number: **512-463-0682**

Email Address:

State Senator Information

District Number: **21**

State Senator's Name: **Judith Zaffirini**

District Office Address: **P. O. Box 12068, Capital Station, Office Number IE.14**

City: **Austin** County: State: **TX** Zip Code: **78711**

(Area Code) Telephone Number: **512-463-0121**

Email Address:

Council of Government (COG) Name: Capital Area Council of Governments

COG Representative's Name: **Betty Voights**

COG Representative's Title: **Executive Director**

Street Address or P.O. Box: **6800 Burluson Rd, Building 310, Suite 165**

City: **Austin** County: **Travis** State: **TX** Zip Code: **78744**

(Area Code) Telephone Number: **(512) 916-6018**

Email Address:

River Basin Authority Name: Guadalupe-Blanco River Authority
Contact Person's Name: **Kevin Patteson, General Manager/CEO**
Watershed Sub-Basin Name: **San Marcos River Watershed**
Street Address or P.O. Box: **933 East Court St.**
City: **Sequin** County: **Guadalupe** State: **TX** Zip Code: **78155**
(Area Code) Telephone Number: **(830) 379-5822**
Email Address:

Coastal Management Program

Is the facility within the Coastal Management Program boundary?

Yes No

U.S. Army Corps of Engineers

The facility is located in the following District of the U.S. Army Corps of Engineers:

Albuquerque, NM Galveston, TX
 Ft. Worth, TX Tulsa, OK

Local Government Jurisdiction

Within City Limits of: **N/A**

Within Extraterritorial Jurisdiction of: **N/A**

Is the facility located in an area in which the governing body of the municipality or county has prohibited the storage, processing or disposal of municipal or industrial solid waste?

Yes No

If "Yes", provide a copy of the ordinance or order as an attachment.

Signature Page

I, Charles Appleby, Vice President - Integrated Waste Solutions Group, Manager - 130 Environmental Park, LLC,
(Site Operator (Permittee/Registrant)'s Authorized Signatory) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: [Handwritten Signature] Date: 1/26/22

TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, _____, hereby designate _____
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

Printed or Typed Name of Operator or Principal Executive Officer

Signature

SUBSCRIBED AND SWORN to before me by the said Charles Appleby

On this 26th day of January 2022

My commission expires on the 18th day of September 2022

[Handwritten Signature]
Notary Public in and for

St. Thomas, US Virgin Islands

Notary Public, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)

Part I Attachments

(See Instructions for P.E. seal requirements.)

Required Attachments

Attachment No.

- Supplementary Technical Report
- Property Legal Description
- Property Metes and Bounds Description
- Facility Legal Description
 - Facility Metes and Bounds Description
 - Metes and Bounds Drawings
 - On-Site Easements Drawing
- Land Ownership Map
- Land Ownership List
 - Electronic List or Mailing Labels
- Texas Department of Transportation (TxDOT) County Map
- General Location Map
- General Topographic Map
- Verification of Legal Status
- Property Owner Affidavit
- Evidence of Competency

Following Checklist
Following Checklist
Following Checklist

Additional Attachments as Applicable- Select all those apply and add as necessary

- TCEQ Core Data Form(s)
- Signatory Authority Delegation
- Fee Payment Receipt
- Confidential Documents
- Waste Storage, Processing and Disposal Ordinances
- Final Plat Record of Property
- Certificate of Fact (Certificate of Incorporation)
- Assumed Name Certificate

Following TCEQ-0650