

Cause No. D-1-GN-15-000910

ENVIRONMENTAL PROTECTION
IN THE INTEREST OF CALDWELL
COUNTY ET AL,*Plaintiffs,*

v.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,*Defendant.*§
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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

53rd JUDICIAL DISTRICT

NOTICE OF FILING OF RECORD OF ADMINISTRATIVE PROCEEDING

The Texas Commission on Environmental Quality ("TCEQ") hereby files this certified copy of the Record of Administrative Proceeding TCEQ's Docket No. 40269, *The Application of 130 Environmental Park, L.L.C. 130 Environmental Park Transfer Station Registration Application*, the TCEQ matter under review in this cause. The Record consists of one box containing one three-ring binder and seven other volumes of filings. An index listing the documents in the Record is attached to this notice.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

JEFFREY C. MATEER

First Assistant Attorney General

BRANTLEY STARR

Deputy First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

PRISCILLA M. HUBENAK
Chief, Environmental Protection Division

/s/ Cynthia Woelk
CYNTHIA WOELK
Assistant Attorney General
Texas State Bar No. 21833525
cynthia.woelk@oag.texas.gov

DANIEL C. Wiseman
Assistant Attorney General
Texas State Bar No. 24042178
daniel.wiseman@oag.texas.gov

Office of the Attorney General
Environmental Protection
P.O. Box 12548, Division (MC- 066)
Austin, Texas 78711-2548
Tel: (512) 463-2012
Fax: (512) 320-0911

ATTORNEYS FOR DEFENDANTS
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2019, a true and correct copy of the foregoing was served on the following counsel electronically through an electronic filing manager or by email:

Marisa Perales
Eric Allmon
FREDERICK PERALES ALLMON
& ROCKWELL, PC
1206 San Antonio
Austin, Texas 78701
P: (512) 469-6000
F: (512) 482-9346
marisa@lf-lawfirm.com

Brent W. Ryan
MCELROY, SULLIVAN, MILLER &
WEBER, LLP
P. O. Box 12127
Austin, Texas 78711
P: (512) 327-8111
F: (512) 327-6566
bryan@msmtx.com

/s/ Cynthia Woelk
CYNTHIA WOELK

Before the Texas Commission on Environmental Quality
The Application of 130 Environmental Park, L.L.C.
130 Environmental Park Transfer Station
Registration Application No. 40269

Before the 53rd Judicial District Court
of Travis County, Texas

Environmental Protection in the Interest of Caldwell County, et al

vs.

Texas Commission on Environmental Quality

Cause No. D-1-GN-15-000910

Index to Record of Administrative Proceeding

DESCRIPTION		
DOCUMENTS - VOLUME 1, ITEM 1		
1.	Type V Registration Application for the proposed 130 Environmental Park. This Type V Registration is requested in accordance with 30 TAC §330.9(b)(3), from Kenneth J. Well, P.E., Principal Engineer, Biggs & Matthew Environmental.	Stamped marked 09/04/2013
DOCUMENTS – VOLUME 2, ITEMS 2 - 8		
2.	Memo, re: attached is the file for the above-referenced application which is ready for notice of application and the opportunity to request a public meeting, from Christine M. Bergen, Waste Permits Division, to Bridget Bohac, Chief Clerk.	Dated 10/25/2013
3.	Notice of Application and Opportunity to Request a Public Meeting for New Municipal Solid Waste Facility Registration Application No. 40269.	Dated 11/01/2013
4.	Letter, re: you are required to publish an NAOPM and post notice signs at the proposed facility within 45 calendar days from the date that a complete application is received by the TCEQ, from Bridget C. Mohac, Chief Clerk.	Dated 11/01/2013
5.	Public Notice Verification Form for the above referenced matter, and cover letter from Brent Ryan, McElroy, Sullivan, Miller, Weber & Olmstead, L.L.P.	Dated 12/13/2013
6.	Original publisher's affidavits and tear sheets for December 2013 publication of notice in the Austin American-Statesman, Lockhart Post-Register, Caldwell County Guardian and El Mundo newspaper, and cover letter from McElroy, Sullivan, Miller, Weber & Olmstead, L.L.P.	Stamped marked 12/17/2013

7.	Letter, re: the MSW Permits Section has completed the review of the registration application dated September 4, 2013. The application was prepared by Biggs & Mathews Environmental and submitted on behalf of 130 Environmental Park, L.L.C. Additional information must be presented to demonstrate compliance with 30 TAC Chapter 305 and Chapter 330, from Charles Brown, Waste Permits Division, TCEQ to Ernest Kaufmann, 130 Environmental Park, L.L.C.	Dated 11/23/2013
8.	130 Environmental Park, L.L.C.'s response to December 23, 2013, technical notice of deficiency; response sent by Kerry D. Maroney, P.E., Principal Engineer, Biggs & Matthew Environmental, and addressed to Charles Brown, Municipal Solid Waste Permits Section, TCEQ.	Stamped marked 2/18/2014
DOCUMENTS – VOLUME 3, ITEMS 9 - 12		
9.	Notice of Public Meeting For A New Municipal Solid Waste Facility Registration Application No. 40269	Dated 3/27/2014
10.	Original publisher's affidavits and tear sheets for publication of Notice of Public Meeting published April 17, April 24, and May 1 in the Lockhart Post-Register and the Caldwell County Guardian, and cover letter from McElroy, Sullivan, Miller, Weber & Olmstead, L.L.P.	Dated 5/07/2014
11.	Second Notice of Deficiency, i.e. letter saying TCEQ's MSW Permits Section has completed the review of 130 Environmental Park, L.L.C.'s February 14, 2014 response to TCEQ's December 23, 2013 NOD and additional information must be presented to demonstrate compliance with 30 TAC Chapter 305 and Chapter 330; from Charles Brown, Waste Permits Division, TCEQ to Ernest Kaufmann, 130 Environmental Park, L.L.C.	Dated 06/16/2014
12.	130 Environmental Park, L.L.C.'s response to TCEQ's June 16, 2014 second notice of deficiency letter; response sent by Kerry D. Maroney, P.E., Principal Engineer, Biggs & Matthew Environmental, to Charles Brown, Municipal Solid Waste Permits Section, TCEQ.	Stamped marked 07/15/2014
DOCUMENTS – VOLUME 4, ITEMS 13 - 28		
13.	130 Environmental Park, L.L.C., Supplement Submittal to application; submitted by Kerry D. Maroney, P.E., Principal Engineer, Biggs & Matthew Environmental, to Charles Brown, Municipal Solid Waste Permits Section, TCEQ.	Stamped marked 10/20/2014
14.	Memo, re: attached is the material for the above-referenced application which is ready to be placed on the Executive Director's agenda, from Chance Goodin, Waste Permits Division, TCEQ.	Dated 10/31/2014
15.	Letter saying technical review of the municipal solid waste registration application has been completed, and it has been determined by the Municipal Solid Waste Permits Section that the registration application is technically complete; sent to applicant by Chance Goodin, Manager, Municipal Solid Waste Permits Section, Waste Permits Division, TCEQ.	Dated 10/31/2014

16.	TCEQ's letter responding to public comments concerning 130 Environmental Park, L.L.C.'s application; signed by Chance Goodin, Waste Permits Division, TCEQ.	Dated 10/21/2014
17.	Letter from applicant 130 Environmental Park, L.L.C. verifying that sign posting in accordance with the requirements of 30TAC §330.69(b) has been conducted at the site of the proposed 130 Environmental Park Transfer Station; from Brent W. Ryan, Attorney for 130 Environmental Park, L.L.C., McElroy, Sullivan, Miller, Weber & Olmstead, L.L.P.	Dated 11/17/2014
18.	Registration for Municipal Solid Waste (MSW) Management Site (MSW Registration No. 40269) - Issued under provision of Texas Health & Safety Code Chapter 361 by Richard Hyde, Executive Director.	Dated 2/05/2015
19.	TCEQ Chief Clerk's letter notifying persons on attached mailing list that the TCEQ executive director has issued final approval Registration No. 40269 and noting deadline and other information about notices to overturn.	Dated 2/09/2015
20.	Transmittal letter to applicant with copy of Registration No. 40269. Letter states that the documents prepared and submitted September 4, 2013, and the revisions dated February 14, 2014, and July 11, 2014, to support the registration application are considered to be a part of the registration and shall be considered as requirements of it; sent by Earl Lott, Director, Waste Permits Division, TCEQ.	Dated 2/09/2015
21.	TCEQ's letter responding to public comments on 130 Environmental Park, L.L.C.'s registration application; letter signed by Chance Goodin, Manager, Municipal Solid Waste Permits Section, Waste Permits Division, TCEQ.	Dated 2/09/2015
22.	TJFA and EPICC's Motion to Overturn and Motion for Rehearing	Stamped marked 03/4/2015
23.	TJFA and EPICC's Amended Motion to Overturn and Motion for Rehearing	Stamped marked 03/4/2015
24.	Letter from TCEQ General Counsel extending deadline for Commission to act on motion to overturn and encouraging response briefs	Dated 03/20/2015
25.	Executive Director's Response To Motion To Overturn, with cover letter from Anthony Tatu, Staff Attorney.	Dated 04/08/2015
26.	The Office of Public Interest Counsel's Response To Motion To Overturn, with cover letter from Aaron Tucker, Assistant Public Interest Counsel.	Dated 04/08/2015
27.	TJFA and EPICC's Reply to Responses To Motion To Overturn and Motion for Rehearing	Dated 04/8/2015
28.	Letter from General Counsel to persons on mailing list saying that, according to the Chief Clerk's records, the motion to overturn was overruled by operation of law on May, 1, 2015	Dated 05/05/2015

DOCUMENTS – VOLUME 5, ITEMS 29 - 34		
29.	Letter requesting a public meeting for constituents from State Representative Tim Kleinschmidt, District 17	Dated 12/16/2013
30.	Letter requesting a public meeting for constituents from State Senator Judith Zaffirini, District 21	Dated 12/19/2018
31.	Letter requesting public meeting and extension of time for comments and commenting in opposition to municipal solid waste registration #40269 from Marisa Perales, Counsel for TJFA and EPIC	Dated 02/03/2014
32.	Public comments, re: general opposition for the municipal solid waste registration #40269	Dated 12/13/2013 to 05/14/2014
33.	Public comments re: specific concerns related to air, water, noise, traffic, wildlife, fire hazard, etc.	Dated 12/12/2013 to 05/19/2014
34.	Public comments re: concerns about loss of enjoyment for Boy Scout camp outs at the nearby Lazy K Ranch	Dated 5/5/2014 to 05/24/2014
TRANSCRIPTS & CD - VOLUME 6, ITEM 35		
35.	Public Meeting, May 8, 2014	
GUIDANCE DOCUMENTS – VOLUME 7, ITEM 36		
36.	Caldwell County Ordinance of 12-9-13	