

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR NON-HAZARDOUS WASTE UNDERGROUND INJECTION CONTROL PERMIT

PROPOSED PERMIT NOS. WDW404, WDW405 and WDW406

**APPLICATION AND PRELIMINARY DECISION.** Diamond Shamrock Refinery Company, L.P., a petroleum refinery, has applied to the Texas Commission on Environmental Quality (TCEQ) for permits WDW404, WDW405 and WDW406. The permits are for the construction of three (3) injection wells for the injection of nonhazardous wastes. The applicant has applied for authorization of pre-injection units by registration. The facility is located at 301 LeRoy Street near the intersection of U.S. Highway 281 and State Highway 72 in the city of Three Rivers, Live Oak County, Texas. These applications were submitted to the TCEQ on July 19, 2004.

The TCEQ executive director has completed the technical review of these applications and prepared draft permits. The draft permits, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that these permits, if issued, meets all statutory and regulatory requirements. The permit applications, executive director's preliminary decision, and draft permits are available for viewing and copying at the County of Live Oak Branch Library, 102 East LeRoy, Three Rivers, TX 78071.

**PUBLIC COMMENT / PUBLIC MEETING.** The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. Generally, the 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.

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Written public comments and requests for a public meeting must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 within 30 days from the date of newspaper publication of this notice.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or requested to be 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 contested case hearing is a legal proceeding similar to a civil trial in a state district court.

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A contested case hearing will only be granted based 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 during the public comment period and not withdrawn. Issues that are not raised in public comments may not be considered during a hearing.

**EXECUTIVE DIRECTOR ACTION.** The executive director may issue final approval of the applications 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 permits and will forward the applications and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the Office of the Chief Clerk. You may request to be added to: (1) the mailing list for these specific applications; (2) the permanent mailing list for a specific applicant name and permit number; and/or (3) the permanent mailing list for a specific county. Clearly specify which mailing list(s) to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address below. Unless you otherwise specify, you will be included only on the mailing list for this specific application.

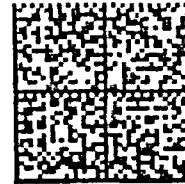
**INFORMATION.** If you need more information about these permit applications or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us).

Further information may also be obtained from Ms. Lisa Trowbridge at the P. O. Box 490, Three Rivers, TX 78071 or by calling Ms. Trowbridge at (361) 786-8386.

ISSUED: June 2, 2005



Chief Clerk's Office, MC 105  
Texas Commission on  
Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087



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