

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Notice of Draft Federal Operating Permit**

**Draft Permit No.: O3613**

**Application and Draft Permit.** SW Border Incineration, LLC, PO Box 28898, Tucson, AZ 85726-8898, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal and revision of Federal Operating Permit (herein referred to as Permit) No. O3613, Application No. 34701, to authorize operation of the SWBI Contraband Incinerator, a Solid Waste Combustors and Incinerators facility. The area addressed by the application is located at 3421 Durango Ave in McAllen, Hidalgo County, Texas 78503-9039. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to the application. You can find an electronic map of the facility at:

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-98.268888,26.149166&level=13>. This application was received by the TCEQ on January 11, 2023.

The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code § 122.10 (30 TAC § 122.10). The draft permit, if approved, will codify the conditions under which the area must operate. The permit will not authorize new construction. The executive director has completed the technical review of the application and has made a preliminary decision to prepare a draft permit for public comment and review. The executive director recommends issuance of this draft permit. The permit application, statement of basis, and draft permit will be available for viewing and copying at the TCEQ Central Office, 12100 Park 35 Circle, Building E, First Floor, Austin, Texas 78753; and the TCEQ Harlingen Regional Office, 1804 W Jefferson Ave, Harlingen, Texas 78550-5247, beginning the first day of publication of this notice. The draft permit and statement of basis are available at the TCEQ Website:

[www.tceq.texas.gov/goto/tvnotice](http://www.tceq.texas.gov/goto/tvnotice)

At the TCEQ central and regional offices, relevant supporting materials for the draft permit, as well as the New Source Review permits which have been incorporated by reference, may be reviewed and copied. Any person with difficulties obtaining these materials due to travel constraints may contact the TCEQ central office file room at (512) 239-2900.

**Public Comment/Notice and Comment Hearing.** Any person may submit written comments on the draft permit. Comments relating to the accuracy, completeness, and appropriateness of the permit conditions may result in changes to the draft permit.

A person who may be affected by the emission of air pollutants from the permitted area may request a notice and comment hearing. The purpose of the notice and comment hearing is to provide an additional opportunity to submit comments on the draft permit. The permit may be changed based on comments pertaining to whether the

permit provides for compliance with 30 TAC Chapter 122 (examples may include that the permit does not contain all applicable requirements or the public notice procedures were not satisfied). The TCEQ may grant a notice and comment hearing on the application if a written hearing request is received within 30 days after publication of the newspaper notice. The hearing request must include the basis for the request, including a description of how the person may be affected by the emission of air pollutants from the application area. The request should also specify the conditions of the draft permit that are inappropriate or specify how the preliminary decision to issue or deny the permit is inappropriate. All reasonably ascertainable issues must be raised and all reasonably available arguments must be submitted by the end of the public comment period. If a notice and comment hearing is granted, all individuals that submitted written comments or a hearing request will receive written notice of the hearing. This notice will identify the date, time, and location for the hearing.

Written public comments and/or requests for a notice and comment hearing should be submitted to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/) and be received within 30 days after the date of newspaper publication of this notice. 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.

A notice of proposed final action that includes a response to comments and identification of any changes to the draft permit will be mailed to everyone who submitted public comments, a hearing request, or requested to be on the mailing list for this application. This mailing will also provide instructions for public petitions to the U.S. Environmental Protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a petition, the EPA may only object to the issuance of a permit which is not in compliance with the applicable requirements or the requirements of 30 TAC Chapter 122.

**Mailing List.** In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

**Information.** For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality, Public Education Program, MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or toll free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained for SW Border Incineration, LLC by calling Mr. Gary Kippur at (520) 884-1554.

**Notice Issuance Date: May 19, 2023**