

_____, 2025

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk MC 105
PO Box 13087
Austin, Texas 78711-3087

Re: Break it Down, L.L.C. Motion to overturn Executive Directors action No. 47084

Dear Ms. Gharis,

I am responding to your letter dated September 19th, 2025 by submitting this formal request for a ***motion to overturn*** the Executive Director's decision regarding Break It Down LLC MSW Notification No. 47084. Please present this motion for reconsideration to the Commissioners and schedule a hearing over this matter. My reasons for this motion are as follows:

1. **No Protocol Developed.** Insufficient if any, protocol is established within the MSW enforcement division to hold and verify that the applicant is in compliance to the origin of compost restrictions under the new State Law. It is negligent for the agency to approve an application the agency cannot enforce, regardless the tier system involved.
2. **Agency Negligence.** The agency knowingly positioning an applicant to be subjected to legal ramifications for violation of a County Law which has been enacted under the authority of the State.
3. **National Livestock and Wildlife Threat.** The Executive Director has not considered the imminent threat-the New World Screwworm (NWS). Decomposition of animal carcasses and food wastes will attract wildlife and vermin. Infestation of NWS to livestock and animal herds and wildlife is lethal. The Executive Director's decision to approve a permit Notice of Intent is reckless, putting people and animals at risk.
4. **Violation of County Ordinance and Potential for State Law Violation.** Break it Down's website and Notice of Intent promotes a business plan that collects waste from the City of Austin URO and transfers overflow into Lee County. Break It Down LLC openly admits to planned activities that violate both County and State Laws.

I am not against composting; however, I am against violating the law, including a County Ordinance, which has been lawfully established for protection of the public. The applicant's past history of noncompliance (most recent Feb 2025), reflects a lack of respect for the agency authority to protect the environment, and the County's responsibility and authority to do the same. By this letter I am respectfully requesting the TCEQ Commission to overturn the Executive Director's action on Sept. 12, 2025 and deny Break It Down's proposed actions under their Notice of Intent submitted to TCEQ under 47084 to operate a composting facility in Lee County, Texas.

Respectfully submitted by,

(Printed First & Last Name)

Address: _____

Copies of this letter mailed separately to:

Jeffrey Paine, Owner
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