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**§326.73. Registration Application Processing**

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**(a). Opportunity for Public Meeting and Posting Notice Signs**

MedCare shall comply with all rules related to public meeting opportunities and posting sign notices.

**(1) Notice for Opportunity to Request a Public Meeting**

MedCare shall provide notice of the opportunity to request a public meeting and post notice signs for all registration applications not later than 45 days after the executive director’s receipt of the application in accordance with the procedures contained in §39.501(c) of this title (relating to Application for Municipal Solid Waste Registration) and by posting signs at the proposed site.

**(2) Public Meeting in Local Area**

MedCare and the commission shall hold a public meeting in the local area, prior to the facility authorization, if a public meeting is required based on the criteria contained in §55.154(c) if this title (relating to Public Meetings).

**(3) Notice of a Public Meeting**

Notice of a public meeting shall be provided as specified in §39.501(e)(3) and (4) of this title. This section does not require the commission to respond to comments, and it does not create an opportunity for a contested case hearing.

**(4) Public Meeting Authorized Decision Maker**

The owner, operator, or a representative authorized to make decisions and act on behalf of MedCare shall attend the public meeting. A public meeting conducted under the Texas Government Code, Chapter 2001 (Texas Administrative Procedure Act).

**(5) Signage Requirements**

At MedCare’s expense, a sign or signs must be posted at the site of the proposed facility declaring that the application has been filed and stating the manner in which the commission and MedCare may be contacted for further information. Such signs must be provided by MedCare and must substantially meet the following requirements.

**(A) Required Lettering**

Sign must consist of dark lettering on a white background and must be no smaller than four feet by four feet with letters at least three inches in height and block printed capital lettering;

**(B) Signage Heading**

The sign shall be headed by the words “PROPOSED MEDICAL WASTE FACILITY”.

**(C) Signage Wording**

The sign shall include the words “REGISTRATION NO.” and the number of registration.

**(D) Signage Contact**

The sign shall include the words “for further information contact”.

**(E) TCEQ Contact Information**

The sign shall include the words “Texas Commission on Environmental Quality” and the address and telephone number of the appropriate registration office.

**(F) Owner/Operator Information**

The sign shall include the name of the owner or operator, and the address of the appropriate responsible official.

**(G) Owner/Operator Telephone Number**

The sign shall include the telephone number of the owner or operator.

**(H) Signage Time Period**

The sign shall remain in place and legible until the period for filing a motion has expired.

**(I) Affected Persons Request**

The sign shall describe how persons affected may request that the executive director and applicant conduct a public meeting.

**(6) Signage Location**

Signs must be located within ten feet of every property line bordering a public highway, street, or road. Signs must be visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but no more than three signs, shall be required along any property line paralleling a public highway, street, or road. This paragraph's sign requirements do not apply to properties under the same ownership that are noncontiguous or separated by intervening public highway, street, or road, unless the property is part of the registered facility.

**(7) Signage Alternative Language Requirement**

MedCare shall also post signs at the facility in an alternative language when the alternative language requirements in §39.405(h)(2) of this title (relating to General Notice Provisions) are met. These signs must meet the location and frequency requirements of paragraph (6) of this subsection.

**(8) Signage Certification to Executive Director**

MedCare shall provide a certification to the executive director that the sign posting was conducted according to the requirements of this section.

**(9) Executive Director Variances**

The executive director may approve variances from the requirements of paragraphs (5) and (6) of this subsection if the owner or operator has demonstrated that it is not practical to comply with the specific requirements of those paragraphs and alternative sign posting plans proposed by the owner or operator are at least as effective in providing notice to the public. Approval from the executive director under this paragraph must be received before posting alternative signs for purposes of satisfying the requirements of this paragraph.

**(b) Notice of Final Determination**

The executive director shall, after review of an application for registration, determine if the application will be approved or denied in whole or in part. In accordance with §50.133(b) of this title (relating to Executive Director Action on Application or WQMP Update), if the executive director acts on an application, the chief clerk shall mail or otherwise transmit notice and an explanation of the opportunity to file a motion under §50.139 of this title (relating to Motion to Overturn Executive Director's Decision). The chief clerk shall mail this notice to the owner an operator, the public interest counsel and to other persons who timely filed public comment in response to public notice.

**(c) Motion to Overturn**

MedCare, or a person affected may file with the chief clerk a motion to overturn the executive director's action on a registration application, under §50.139 of this title. The criteria regarding motions to overturn shall be explained in the public notices provided in accordance with Chapter 39 of this title (relating to Public Notices) and §50.133 of this title.