

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

**OIL & GAS DOCKET NO.
03-0286285**

NEWTON COUNTY, TEXAS

**FINAL ORDER
DENYING THE APPLICATION OF VERGO PATIO GARDENS, INC.
PURSUANT TO 16 TEX. ADMIN. CODE §3.8
TO CONSIDER RENEWAL OF A PERMIT FOR COMMERCIAL
OIL AND GAS WASTE LANDFARM
A.E. LONGRON, JR., PERMIT NO. LF-0032
NEWTON COUNTY, TEXAS**

The Commission finds that after statutory notice in the above-numbered docket heard on October 3, 4, and 5, 2016, the Technical Examiner and Administrative Law Judge ("Examiners") have made and filed a proposal for decision containing findings of fact and conclusions of law, for which service was required; that the proposed application is not in compliance with all statutory requirements; and that this proceeding was duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas.

The Commission, after review and due consideration of the Examiners' report and recommendation, the findings of fact and conclusions of law contained therein, hereby adopts as its own Findings of Fact Nos. 1 through 25 and 27 through 44, and the Conclusions of Law contained therein, and incorporates said findings of fact and conclusions of law as if fully set out and separately stated herein.

In addition, the Commission adopts the following Substitute Finding of Fact:

Substitute Finding of Fact:

26. On October 3, 2013, Staff issued a letter to Vergo that administratively denied Vergo's request to amend and renew the 4th Amended Permit due to potential pollution of surface waters, mismanagement of waste, and violations of Statewide Rule 8.

Therefore, it is **ORDERED** by the Railroad Commission of Texas that the application of Vergo Patio Gardens, Inc. for renewal of Landfarm Permit No. LF-0032, Newton County, Texas, is hereby **DENIED**.

Each exception to the Examiners' proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 25 days after the Commission's order is signed, unless the time for filing a motion for rehearing has been extended under Tex. Gov't Code §2001.142, by agreement under Tex. Gov't Code §2001.147, or by written Commission Order issued pursuant to Tex. Gov't Code §2001.146(e). If a timely motion for rehearing of an application is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to Tex. Gov't Code §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until 90 days from the date Commission Order is signed.

Done this 6th day of June, 2017.

RAILROAD COMMISSION OF TEXAS



CHAIRMAN CHRISTI CRADDICK



COMMISSIONER RYAN SITTON



COMMISSIONER WAYNE CHRISTIAN

ATTEST:



SECRETARY

