Click to View Bookmarks

MSW 37868

PM OPA
JAN 07 2008
BY

November 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10: 52
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Justyn Abbott
Address- 16467 Brittany Way
Phone- 936 647 2130

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - Safety, water, health

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NCN
378608

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Via facsimile: (512) 239-3311
and surface mail

H OPA
BY KG

2009 MAR 26 AM 10: 36

CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 2061 North Walker Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

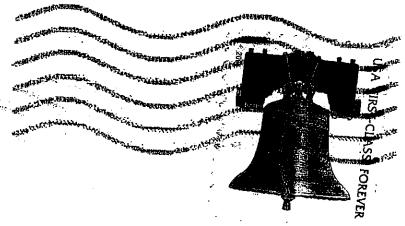
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Heather Adams

Heather Adams
2061 North Walker Road
Cleveland, TX 77328

HOUSTON TX 772
24 MAR 2009 PM 2 T



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711-3087

MSW
378108

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 39

CHIEF CLERKS OFFICE

OPA

BY KG

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 2812 Acorn Place, Cleveland, TX 77328 in the community of Security. I use my property for my residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

UA

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

uA

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

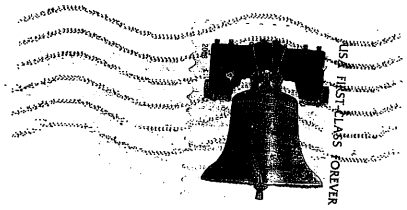
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Lori Adams

Lori Adams
2012 Acorn Dr
Cleveland Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 2 L



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 39

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711-3087

Date: 4-27-04

OPA

MAY 27 2004

BY

JP 29266

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Lori Adams

Signature

Lori Adams

Printed Name and Address

2012 Acorn Pl

Cleveland Tx 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 24 AM 10: 14

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

PM OPA
H JAN 24 2008
BY BP

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision ~~for a Municipal Solid~~ Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- ROGER ADAMS
Address- 1562 PIONEER CA CL TX 77328
Phone- 963-444-6651

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - traffic, service water flooding

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NSW
3788008

OPA

H

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3: 13

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home half a mile west of the proposed landfill and my address is 16061 Tree Monkey. I live near the community of Groceville I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Willie Mae Adkinson

Willie Mae Adskinson

W. Atkinson
16061 Tree Monkey Rd.
Conroe, TX 77303-4954

N HOUSTON TX 773
23 MAR 2009 PM 2 T

USA FIRST CLASS FOREVER

RECEIVED
MAR 2 4 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:46
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Willie Mae Atkinson

Address: 16061 Tree monkey Rd

City/State: Conroe TX **Zip:** 77303

Phone: 936 264-1560

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

JP 40000
37686

August 09, 2004

PM/H OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:46
CHIEF CLERKS OFFICE
COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Willie Mae ATKinson. I am a resident in the area and I am concerned about:
Traffic, Water Road Conditions

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Willie Mae ATKinson
Address: 16061 Treemonkey Rd
City, State, & Zip Conroe TX / 77303
Phone: 936-264-1560

JP 40000

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:37
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, LP. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Willie Mae Atkinson
Signature

Willie Mae Atkinson
Printed Name and Address

1661 Treemenkey Rd
Conroe TX 77303

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

NSW
378608

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:26

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 792 N. Walker Road, Cleveland, TX 77328. I live in the community of Security. I use my property for my residence and horses. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Lewis Akin

Lewis Akin

Lewis Akin
792 W. Walker Road
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 2 L

USA FIRST CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

November 19, 2007

2007 DEC 20 AM 9:56

CHIEF CLERKS OFFICE OPA

PM DEC 20 2007

H BY ___

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Ruth ("Missy") Allen
Address- 19520 Meadow Lake Road, Cleveland Tx 77328
Phone- 281-432-2903

Distance from proposed site- Aprox 2 Miles

Negative impact to my health, safety and property will be - Pollution to crops, lower property values, traffic problems, pollution - air/water

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

JP 15995

PM

Date: 4-22-04

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

2004 APR 22 PM 2:04
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Ruth Allen
Signature

Ruth Allen
Printed Name and Address

19524 Meadow Lake Rd
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 4: 00
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Rachel Amadoc
Signature

Rachel Giblin
Printed Name and Address

142 Orion Lane
Conroe TX 77306

OPA
JUN 01 2004

Date:

PM # JP 54149

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 5:59
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Richard Arnold
Printed Name and Address
15477 Tree Monkey Rd
Conroe, Tx. 77303

Signature

OPA
JUN 01 2004

MSW
378268

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 PM 2:52

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 1/4 miles of the proposed landfill and my address is 2118 Pine Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence and breeding horses. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Amy Ashby

MSC. J
3/8/08

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 47

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 1/4 miles of the proposed landfill and my address is 2118 Pine Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence and breeding horses. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

LA.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

RA.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

K4

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Kevin Ashby

KA.

2118 Pine Rd
Cleveland, TX
77328

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 46

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 2 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED

MAR 2 6 2009

TCEQ MAIL CENTER

78711+3087

NSW
378108

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 37

CHIEF CLERKS OFFICE

OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 16027 Tree Monkey Road, Conroe, TX 77303. I live near the community of Cut and Shoot. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

E.A.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

E-C.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

E. G.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Emileen Atkinson

Emileen Atkinson

E. A.

Emilean Atkinson
16027 Tree Monkey Rd
Conroe, TX. 77353

HOUSTON TX 772
24 MAR 2009 PM 8 L

USA 42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 37

CHIEF CLERKS OFFICE

Ms. Liliana Castañuela
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

MSW
378108

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 29

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

H OPA

March 19, 2009 BY KY

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 16027 Tree Monkey Road, Conroe, TX 77303. I live near the community of Cut and Shoot. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Richard Atkinson

Richard Atkinson
16027 Tree Monkey Rd.
Conroe, Tx. 77303

HOUSTON TX 772
24 MAR 2009 PM 3 L

USA 42

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 29
CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk - MC 105
TCEQ

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

JP 39978

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 27 PM 2:38
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Richard Atkinson
Printed Name and Address

16027 Tree Monkey Rd.
Conroe, Texas

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
378118

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 PM 2:51

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home half a mile west of the proposed landfill and my address is 15969 Tree Monkey. I live near the community of Groceville I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Rodney Adkinson

JP 40001

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 29 PM 2:17
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

RODNEY ATKINSON
Printed Name and Address

15969 tremonkey
conroe tx 77303

OPA

APR 30 2004

BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

NW
378608

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3: 21

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 2 miles from the proposed landfill and my address is 20099 Security Way, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

E.2.13

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

E. L. B

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

E.L.B

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

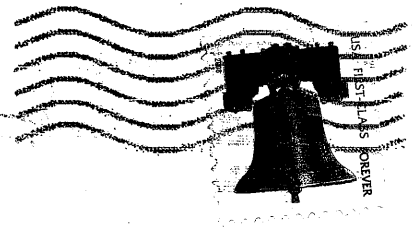
Sincerely

Ebbie L Bailey

Ebbie Bailey

Ellie Bailey
20099 Security Way
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 2 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -7 PM 3:29

CHIEF CLERKS OFFICE

OPA

PM

JAN 08 2008

BY QB

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Stephen Barfield
Address- 2010 N. Walker Rd
Phone- 281-593-0955

Distance from proposed site- 1 mile

Negative impact to my health, safety and property will be - traffic & water well

Sincerely

Stephen Barfield

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Jp# 53964

Date: 4-26-04

OPA
MAY 27 2004
BY

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Stephen Barfield
Printed Name and Address

2010 N. Walker Rd
Cleveland, Texas 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

JP 54148

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:59
CHIEF CLERKS OFFICE

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Helen Barge
Signature

HELEN BARGE
Printed Name and Address

P.O. BOX 234
CONROE, TX. 77305

OPA
JUN 01 2004

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Kenneth Bishoff

Kennith Bishoff

Extra Note: When there is flooding our house in inaccessible. We have to park down the road and walk through the water to our house. So any water contamination from flooding would be on our property.

MSW
378128

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:43

CHIEF CLERKS OFFICE

OPA

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing. This hearing will be a financial hardship for the residents of the Security/Midway/ Cut and Shoot area and I request that the Contested Case Hearing be held in Montgomery County to help mitigate that hardship..

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home approximately 0.5 miles southeast of the proposed landfill and my address is 1881 Acorn Pl, Cleveland, TX, 77328. I live in the community of Security. I use my property for a residence and art studio. I am retired. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ.

MW

It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further, due to the lack of due notice and the opportunity to make comment, the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules.

Further additional public meetings were required because the applicant chose venues that did not accommodate the other participants. The Q&A was cancelled at the first public meeting in Conroe Tower because the room did not accommodate the mass of people who attended the meeting. The second meeting was held at Caney Creek High School and the applicant refused to answer questions. Several hundred residents attended and the applicant asked for questions via email only and subsequently did not respond. A third public meeting, was held at Caney Creek High School at the request of Senator Nichols. The meeting primarily addressed the roadway amendment and did allow for limited Q&A. In this case, the applicant was again making additional changes to the roadway thus "revising the amendment". Once again response to Q&A was incomplete. It appears that the applicant not TCEQ was in control the process and public participation. Overall, this permit process was not competently managed by TCEQ and it certainly did not focus on potential health risks to the surrounding community.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety for the next 25-30 years. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further, the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties. East Montgomery County should not become the dumping ground for 5 counties. This is not a prudent way to protect the surrounding community from health risk. TCEQ should do as much to facilitate recycling in Montgomery County as it does to facilitate landfill construction.

The location of the proposed site is in conflict with the land use in the area. This area is primarily used for residential purposes. Growth is expected to continue as additional residential projects are underway and more are planned in the area. HGAC has expressed concern about the location of this site citing flooding, traffic and the proposed height of 200 ft above ground level.

The applicant has not been able to identify any clear benefit to the nearby communities of Security, Midway, Cut and Shoot. The negative impact to low-income, minority communities in the area is disproportionate to the population of Montgomery County and surrounding counties.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved. This landfill will primarily benefit the investors at the expense of the surrounding community. This is further demonstrated by the fact the investors are hiding under the umbrella of an LLC.

Comment 15 Land Use Compatibility
Response 15: The applicant has not shown that the proposed landfill will be compatible with land use in the surrounding area. The applicant has not accurately represented residential growth and development in the area. The landfill is not compatible with growth trends in the area. The proposed site is part of the growth corridor for the Security, Midway, Cut & Shoot community. Ongoing and planned developments will be negatively impacted if the landfill is approved. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres), height (200 ft), and waste stream (600 truckloads per day) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. Minimum requirements for traffic safety in the area include widening SH 105 and adding a turn lane to accommodate traffic turning in and out of the landfill driveway

There are many narrow two lane community roads in East Montgomery County that connect IH 45, IH 59 and SH 105 to residential areas and schools. I am very concerned that the additional truck traffic will exploit these roadway "shortcuts" endangering students, parents and teachers as they travel to Caney Creek High School, Moorehead Junior High School, Grangerland Intermediate School, Austin and Creighton Elementary Schools.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain and potentially an inadequate design for holding ponds that contain drainage and runoff effluent.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. All are at risk due to liner failure.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree and only becomes more acute as the landfill is built to higher elevation. This is not addressed at all in the permit design.

Comment 33 Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither the applicant or TCEQ have not demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard.

Comment 39 Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Martha Barr

Martha Barr

P.S. On a personal note... As a professional fine artist, to have a landfill within .05 mi. from my home and art studio where I paint an at times teach art, to have as many as 600 trucks filled with garbage pass within feet (100 ft) of my studio going to the landfill daily and then back from the landfill pass again would be devastating and completely intolerable. It would distroy my ability to live and work under such horrendous conditions. The tranquil beauty of this community of close-knit generational families, neighbors & friends will be distroyed. The noise, air, ground, landscape pollution and potential water pollution would distroy quality of life of all who live in this community and beyond.

Jl 15916
Item

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 4:48
CHIEF CLERKS OFFICE
OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PLEASE PRINT:

Name: MARTHA BARR

Address: 1881 Acorn Place

City/State: Cleveland, Tx. **Zip:** 77328

Phone: (281) 593-2900

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Protesting not being able to get into the meeting. This is not fair!

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -2 AM 9: 57

CHIEF CLERKS OFFICE

November 19, 2007

OPA

PM

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided ade[illegible]te information about groundwater and aquifer [illegible]nditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Johnny Beall
Address- 3142 Pine Rd Cleveland TX
Phone- 281-592-6632 - 832-444-5430

Distance from proposed site- 3/4 mile

Negative impact to my health, safety and property will be - run off water on Lawrence Creek I Live Next to This creek, traffic, contaminated Drinking water,

Sincerely

Johnny Beall

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

D520
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2007 DEC 14 AM 10: 41

CHIEF CLERKS OFFICE

DEC 14 2007

PM BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Johnny Beall
Address- 3142 Pine Rd Cleveland TX 77328
Phone- 281 592 6632

Distance from proposed site- 1 mile

Negative impact to my health, safety and property will be - The runoff from the dump affecting my water well & creek. I live on Lawrence Creek. Both will be polluted. The traffic from all the trucks. We live in rural area to get away from all the traffic!

Sincerely

Johnny Beall

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

J145406

Ms. Karen Beall
3142 Pine Rd
Cleveland TX 77328

N HOUSTON TX 773

RECEIVED
12 DEC 2007 PM 7 L

DEC 14 2007

TCEQ MAIL CENTER
MM

HAPPY HOLIDAYS

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

(17)

JP 38813

CO

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Johnny & Karen Beall

Address: 3142 Pine Rd

City/State: Cleveland TX Zip: 77328

Phone: (281) 592-6632

☒ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Johnny Beall
3142 Pine Rd

37868
MSW

OPA
MAR 10 2005
BY g

Concerns for the proposal to widen North Walker Rd

- Who will be providing the funds for the material to widen the road?

- Who will be responsible for the funding of the maintenance and clean up of trash on the road?

- Who will determine the value of the land needed to be purchased from residents who live along North Walker Rd?

39813
MSW
37868 C

JP 39813
PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 4:46
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Johnny Beall
Signature

Johnny Beall
Printed Name and Address

3142 Pine Rd
Cleveland Tx 77328

OPA
APR 30 2004
BY D

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

H DEC 14 2007

PM BY

2007 DEC 14 AM 10: 41

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name Karen Beall
Address- 3142 Pine Rd Cleveland, TX. 77328
Phone- 281-592-6632

Distance from proposed site- 1 mile

Negative impact to my health, safety and property will be - We live on Lawrence Creek. Runoff into the creeks will polute the waters and pose a health hazard. Our well will be affected as well. As well as all the traffic hazards.

Sincerely

Karen Beall

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

J145406

Ms. Karen Beall
3142 Pine Rd
Cleveland TX 77328

N HOUSTON TX 773
12 DEC 2007 PM 7 L

RECEIVED
DEC 14 2007
TCEQ MAIL CENTER
MM

HAPPY HOLIDAYS

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

JP 39814
PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 29 PM 4:46
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Karen Beall
Signature

KAREN BEALL
Printed Name and Address

3142 Pine Rd
Cleveland TX 77327

OPA
APR 30 2004
BY D

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
378108

4 OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3: 08

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 4 miles from the proposed landfill and my address is 3393 N Duck Creek Rd, Cleveland, TX 77328. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted not the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

mw

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

Sincerely

Deborah Bell

Deborah Bell

Deborah Bell
3393 N. Duck Creek Rd
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 2 T

USA FIRST CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

DP 58642
37868
MW

PM OPA RECEIVED
H AUG 09 2004
AT PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:42
CHIEF CLERKS OFFICE

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Denise Bell. I am a resident in the area and I am concerned about:

the air quality - my daughter has allergy induced asthma and I feel that the debris in the dump along with the increased pollutants caused by 300+ trucks driving through our neighborhood will compromise her health & the health of everyone in our area especially the elderly & very young.

I am concerned that the excessive amount of flooding that I have witnessed in this area will cause ~~waste~~ contaminants to flow from the dumpsite into our well systems and into our ditches and onto our properties. I am concerned about school buses competing for safe passage & our school children's safety in the face of over 300 trucks per day.

I am concerned that in this residential area we will no longer be able to ride bikes, ride horses, go for walks or jogs or feel comfortable with our children being able to play for fear of the excessive amount of heavy traffic on these roads. Even my automobile is not a fair match for the dump trucks with their loads of potentially hazardous waste

I am concerned that this landfill will ~~be able to~~ make applications, once in place, to take additional types of waste.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

I want to know if any consideration has been made regarding the offer of a "trade" of ~~property~~ a similar sized property in a non-residential area near I-59.

Sincerely,

Name Denise Bell
Address: 6274 Forest Dr.
City, State, & Zip Cleveland, TX 77328
Phone: 281-592-7344

N/A

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

20th

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:42
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Denise Bell

Address: 6274 Forest Dr.

City/State: Cleveland, TX **Zip:** 77328

Phone: (281) 592-7344

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

MSW 37864

OPA

FEB 22 2008

BY EB

PM H

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB 22 AM 10: 11

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Dorothy Bell
Address- 3393 N. Duck Creek Cleveland, Tx 77328
Phone- 281 432 1346

Distance from proposed site- 3 1/2 mi

Negative impact to my health, safety and property will be - bad nobody has a moral right to do this to us again.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

L LAZY J RANCH

JOHN & LEAH SMITH
15787 MILLER ROAD
CONROE, TEXAS 77303

N HOUSTON TX 773

20 FEB 2008 PM 4 T

"LET US DARE
THINK, SPEAK
John Adams,
powerofthe

RECEIVED

FEB 2 2 2008

TCEQ MAIL CENTER

MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

IWSW
378608

H

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 36

CHIEF CLERKS OFFICE

March 21, 2009

Ms. LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions Permit #2324

Dear Ms. Castañuela:

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills, a community-based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1/2 mile from the proposed landfill, my address and principal residence being 6683 Pine Shadows Road, Cleveland, Texas 77328. I live near the community of Security, Texas. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. *Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.*

The following disputed issues are material to the Commissioners' decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice

Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to

mw

respond. Further, due to the lack of due notice and the opportunity to make comment, the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement

Response 4: This response did not accurately address the fact that Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process

Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7- Environmental Public Defender

Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11- Location and Community Need

Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 – Ownership

Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell its interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction should the permit be approved.

Comment 15 - Land Use Compatibility

Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 - Access and Community Safety

Response 16: The traffic Study that the applicant provided does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 - Floodplain maps

Response 24: The applicant's estimation of the 100 year floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that the applicant subsequently updated. The result is not an accurate representation of the 100 year floodplain.

Comment 25 - Flooding

Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. The applicant has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus

focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 – Liner

Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3 foot clay liner with overlying 1 foot productive soil layer will not adequately protect underlying groundwater resources from 250+ feet of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 - Water and Soil Contamination

Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells against leakage from the site. The monitoring system design will only detect leakage when it has left the site and has already caused groundwater pollution.

Comment 32 - Air Pollution

Response 32: The 200 foot height of the site will allow even light winds to easily blow air pollutants over the community. This is not addressed at all in the permit design.

Comment 33 - Property Value and Area Development

Response 33: The landfill, if injected into the community, will cause water and soil pollution and significantly lower property values. Additionally, it will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally, I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Jason A. Bellini
6683 Pine Shadows Road
Cleveland, Texas 77328

JA. Bellini
6683 Pine Shadows Rd
Cleveland, TX 77328

$0.42 0
US POSTAGE
FIRST-CLASS
062S0006819841
77381
C95544.18

Ms. LaDonna Castañuela, Chief Clerk
TCEQ - MC-105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 14 AM 10: 42

CHIEF CLERKS OFFICE

PM OPA

H DEC 14 2007

BY DC

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms. Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

MW

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these

wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

The landfill will have catastrophic effects on my property value and overall health. Water and air quality will be negatively impacted, thereby reducing my overall quality of life because my property is within 2,000 feet of the proposed site.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Sincerely,

Jason Bellini
6683 Pine Shadows Road
Cleveland, Texas 77328

Cc: Montgomery County Judge Barb Sadler
Montgomery County Commissioner Ed Rinehart
Texas State Senator Robert Nichols
Texas State Senator Tommy Williams
Texas State Representative Brandon Creighton

JP 40019

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

2004 APR 29 PM 2:
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Jason Bellini Bellini
Printed Name and Address
6683 Pine Shadows Rd
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

Nwh
3/8/09

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

H

BY KY

2009 MAR 26 AM 10: 36

CHIEF CLERKS OFFICE

March 21, 2009

Ms. LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions Permit #2324

Dear Ms. Castañuela:

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills, a community-based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1/2 mile from the proposed landfill, my address and principal residence being 6683 Pine Shadows Road, Cleveland, Texas 77328. I live near the community of Security, Texas. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. *Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.*

The following disputed issues are material to the Commissioners' decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice

Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to

mw

respond. Further, due to the lack of due notice and the opportunity to make comment, the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement

Response 4: This response did not accurately address the fact that Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process

Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7- Environmental Public Defender

Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11- Location and Community Need

Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 – Ownership

Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell its interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction should the permit be approved.

Comment 15 - Land Use Compatibility

Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 - Access and Community Safety

Response 16: The traffic Study that the applicant provided does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 - Floodplain maps

Response 24: The applicant's estimation of the 100 year floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that the applicant subsequently updated. The result is not an accurate representation of the 100 year floodplain.

Comment 25 - Flooding

Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. The applicant has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus

focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 – Liner

Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3 foot clay liner with overlying 1 foot productive soil layer will not adequately protect underlying groundwater resources from 250+ feet of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 - Water and Soil Contamination

Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells against leakage from the site. The monitoring system design will only detect leakage when it has left the site and has already caused groundwater pollution.

Comment 32 - Air Pollution

Response 32: The 200 foot height of the site will allow even light winds to easily blow air pollutants over the community. This is not addressed at all in the permit design.

Comment 33 - Property Value and Area Development

Response 33: The landfill, if injected into the community, will cause water and soil pollution and significantly lower property values. Additionally, it will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally, I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Kimberly M. Bellini
6683 Pine Shadows Road
Cleveland, Texas 77328

K. Belline
6683 Pine Shadows Ct
Cleveland, Tx 77328

$0.42 0
US POSTAGE
FIRST-CLASS
062S0006819841
77381

C95544.17

Ms. LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

OPA

H DEC 14 2007

PM BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 14 AM 10: 42

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms. Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

MW

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these

wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

The landfill will have catastrophic effects on my property value and overall health. Water and air quality will be negatively impacted, thereby reducing my overall quality of life because my property is within 2,000 feet of the proposed site.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Sincerely,

Kimberly Bellini
6683 Pine Shadows Road
Cleveland, Texas 77328

Cc: Montgomery County Judge Barb Sadler
Montgomery County Commissioner Ed Rinehart ✓
Texas State Senator Robert Nichols ✓
Texas State Senator Tommy Williams ✓
Texas State Representative Brandon Creighton ✓

JP 40018

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:34
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

K Bell
Signature

Kim Bellini
Printed Name and Address

16683 Pine Shadows Rd
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
November 19, 2007

2008 JAN 16 AM 10: 16

CHIEF CLERKS OFFICE

MSW
37868

OPA

PM
JAN 17 2008
BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Mrs. R. A. Benedict
Address- 15775 Stoltje Dr (off 1485)
Phone- 936-231-2565

Distance from proposed site- 10 miles

Negative impact to my health, safety and property will be - Excessive Truck traffic on 1485 would cause safety issues/concerns when they pass infront of my Child's School - Grangeland Int. As well as the High School across from Grangeland. With only a 4-way Stop at that intersection the probability of more accidents dealing not only with adult drivers but also the teenaged drivers going to the High School. There have been a # of accidents both there and along 1485 going to the 105 Intersection on the curves/corners along that Road. Also we have a well that supplies our water which would be and could be ~~contaminated~~ contaminated when we get heavy rains because our land floods due to the creek that runs behind us and is attached to the rivers near the land fill. Not to mention the possible contamination to our land, plants, grass & our animals!

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868. PM H

OPA

JAN 17 2008

BY [illegible]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

2008 JAN 16 AM 10: 20

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Ralph E. Benedict II
Address- 15775 Stoltje Dr, Conroe, Tx 77306
Phone- (936) 231-3565

Distance from proposed site- 10 miles

Negative impact to my health, safety and property will be - Well water polution, stream polutions HWLOS traffic

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

OPA
JUN 14 2004
BY KG

54641

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 JUN 14 AM 10: 53
CHIEF CLERKS OFFICE

PM
H
37868

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Montgomery Landfill Solutions, L. P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit.

1) **Current Landfills in Area:** There is a Type 1, 375-acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, 6 miles to the west, and a proposed transfer station 8 miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development:** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new home sites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic Safety:** The entrance to the proposed landfill on North Walker Road is a two-lane, 21' wide county road, and the only entrance into our community and properties. The lives of school children waiting for their buses will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the floodwaters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1-mile radius of this proposed landfill site have water wells as their only source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U. S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but also serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting and a contested case hearing on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County, Texas.

Sincerely,

Eric Bethe

Signature

ERIC BETHE

Printed Name and Address

12826 E. HWY 105

COWROS 77306

Cc: Representative Ruben Hope, Senator Todd Staples, and Senator Tommy Williams

OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

BY EB

2009 MAR 18 PM 2:29

CHIEF CLERKS OFFICE

MSW 37868

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.5 miles south of the proposed landfill and my address is 22034 Morgan Cemetery Rd, Cleveland, TX 77328. I live near Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

QB

MW

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

RB

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improvtraffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. Groundwater flow away from the proposed site is to the south and southeast. I am very concerned that my water supply will be harmed by leakage from the site

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

QB

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Rosalie Biano

Rosalie Biano

Rosalie Biano
22034 Morgan Cemetery Rd.
Cleveland, TX 77328

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 18 PM 2:28

CHIEF CLERKS OFFICE

RECEIVED
MAR 18 2009
TCEQ MAIL CENTER
WM

neopost 043J83006956
$0.590
03/17/2009
Mailed From 77301
US POSTAGE

Ms. La Donna Castanuela
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

78753$1808 C015

NSW
37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

H OPA

2009 MAR 24 PM 3: 17

BY KY

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home less than two miles south east of the proposed landfill and my address is 20266 South Geronimo Trails. I live near the community of Cleveland. I use my property for residence, livestock, and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

KB

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

KB

Kenneth Ashold
20264 South Geronimo Trails
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 8 T

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

NOW
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2009 MAR 24 PM 3: 12

CHIEF CLERKS OFFICE

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home less than two miles south east of the proposed landfill and my address is 20266 South Geronimo Trails. I live near the community of Cleveland. I use my property for residence, livestock, and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

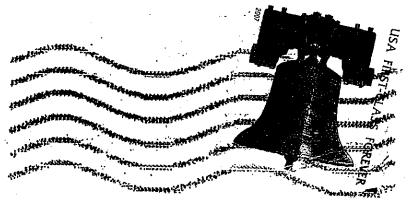
Sincerely

Lea Ann Bishoff

Lea Ann Bishoff

Lea Ann Dishoff
20266 South Geronimo Trails
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 1 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 2 4 2009
TCEQ MAIL CENTER
RB

78711+3087

MCW
378608

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 27 AM 10: 55

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

4 OPA

BY KY

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 2061 N. Walker Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence, gardening and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
Betty Blackman
Betty Blackman

15730 PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2011 APR 29 PM 3:34
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Betty Blackman
Signature

Betty BLACKMAN
Printed Name and Address

2061 N. WALKER Rd.
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
378LCS

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 PM 2:59

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

TB

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 18190 Dodd Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

TB

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

TB

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Terry Blackman

IP 53002

Date:

OPA
MAY 27 2004
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 27 AM 10:00
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

TERRY BLACKMAN
Printed Name and Address

18190 Dodd Rd

CLEVELAND TX 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

CMSW
378Ler
OPA
H
BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 46
CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela.
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 18190 Dodd Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

VB

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

JB

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

VB

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
Violet Blackman

Violet Blackman

Violet Blackman
18190 Dodd Rd.
Cleveland, TX 77328

HOUSTON TX 772
24 MAR 2009 PM 2 L

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 46

CHIEF CLERKS OFFICE

RECEIVED

MAR 2 6 2009

TCEQ MAIL CENTER
RB

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711+3087

MSW
378LCS

OPA

H

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 49

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 2061 N. Walker Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence, gardening and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Whe.B

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

W.L.B

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

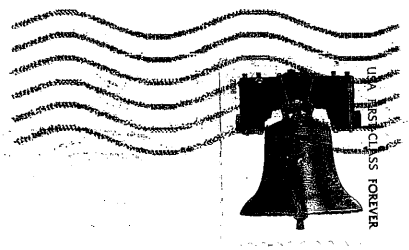
Sincerely,
W. L. Blackman
W L Blackman

W. L. B.

W. L. Blackmax
2061 N. Walker Rd.
Cleveland, TX. 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 49
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 2 T



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

Date: 4-23-04

OPA
MAY 27 2004
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 27 AM 9:59
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

W. L. Blackman
Signature

W. L. BLACKMAN
Printed Name and Address

2061 N. WALKER RD.
CLEVELAND, TX. 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MR.M
378608

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 26

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 8073 Pine Shadows, Cleveland, TX 77328 in the community of Security. I use my property for my residence, gardening and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I am very concerned that this landfill will adversely affect my ability to continuing to use my fishing pond on my property.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Ann Blackmer

Ann Blackmer

Blackmer, Ann
8073 Pine Shadows Rd
Cleveland, 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 25
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 10 T

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

NSW
378608

OPA

H

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:20

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 0.6 miles from the proposed landfill and my address is 8073 Pine Shadow Road, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

RSB
3/14/09

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

RSB
3/14/09

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

RDB
3/14/09

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

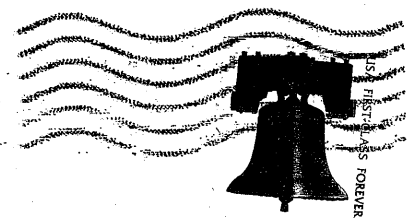
Sincerely

Robert S. Blackmer

Robert S. Blackmer

Robert S. Blackman
8073 Pine Shadow Rd
Cleveland TX 77328

HOUSTON TX 772
23 MAR 2009 PM 3 L



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711-3087

Date:

PM 14 SP 54164

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 4:01
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

William E Boles
Signature

William E Boles
Printed Name and Address

844 Kinsman Rd.
Cleveland, Tx. 77328

OPA
JUN 01 2004

JP 54140
PM #

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 MAY 28 PM 3:09
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Bonita L. Booth
Signature

Bonita L. Booth
Printed Name and Address

7728 White Rock Rd
Cleveland, Tx. 77327

OPA
JUN 01 2004

NSW
37868

Via facsimile: (512) 239-3311
and surface mail

H OPA

BY KY

2009 MAR 24 PM 3:13
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.3 miles east of the proposed landfill and my address is 3516 Woodpeckers Grove, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

MW

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

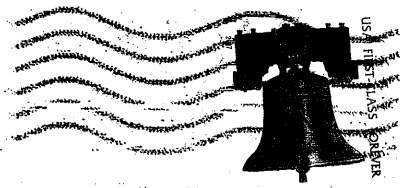
Karen Bradberry

Tim Bradberry

Karen and Tim Bradberry

Tim & Karen Bradberry
3516 Woodpeckers Drive
Cleveland, TX 77328

HOUSTON TX 772
23 MAR 2009 PM 3 L



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
37868

HR

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR -6 AM 9:47

CHIEF CLERKS OFFICE
OPA

MAR 0 5 2009

BY DM

Karen Bradberry
3516 Woodpeckers Grove
Cleveland, Texas 77328
936-524-6137

I am requesting a contested case hearing in reference to:
Montgomery Landfill Solutions, L.P.
MSW Permit No. 2324

I and my family members at the above address are affected persons and oppose the landfill in our neighborhood. This area's water supply comes from personal wells and will be contaminated by the landfill. North Walker road is the entrance road to our neighborhood and is not capable of handling this kind of traffic. Hwy 105 is already known as the most dangerous road in the county, adding this much more traffic of large vehicles will cause more deaths at this intersection, there isn't even a red light at Hwy 105 and North Walker Rd. There is

mw

inacuracy in the reporting of traffic and also in the number of people that live in this area. My name and all my family members are not included on the mailing list or where comments and concerns. I think many others may not be represented.

Thank you,
Karen Bradberry
Karen Bradberry

Bradberry
3516 Woodpeckers Grove
Cleveland, Texas
77328

N HOUSTON TX 773
05 MAR 2009 PM 4 L

USA FIRST CLASS

LaDonna Castañuela
Chief Clerk
TCEQ MC-105
PO Box 13087
Austin, Texas
78711-3087

RECEIVED
MAR 06 2009
TCEQ MAIL CENTER
RB

78711+3087

MOW
37868

OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:14

BY _____ CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 308 Kinsman Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I am concerning about my small children's health and how this will affect them.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Barry Brannon
308 Kinsman Rd
Cleveland 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 T

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

MSW
378608

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

H

BY KY

2009 MAR 24 PM 3:13

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 308 Kinsman Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I am concerning about my small children's health and how this will affect them.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
Sherry Brannon
Sherry Brannon

Sherry Brannon
308 Kinsman Rd
Cleveland TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 L

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB 22 AM 10: 12

CHIEF CLERKS OFFICE

OPA

BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- BONNIE BRASWELL
Address- 3593 BRAZEWELL
Phone- 281 592 5230

Distance from proposed site- 1/4 miles

Negative impact to my health, safety and property will be - trucks on main road

Sincerely

Bonnie Braswell

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MCW
378108

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 24

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 9595 Adcock Acres, Conroe, TX ~~77328~~ 77303. I live near the community of Cut and Shoot. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

CB

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

CB

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

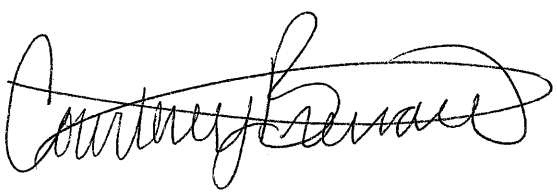
Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

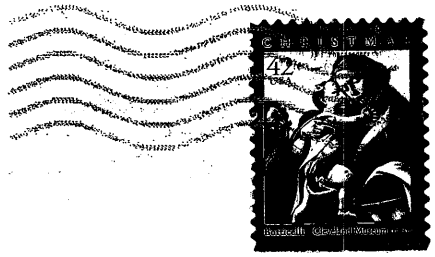
Courteney Brennan



Courteney Brennan
9595 Ad-cock Acres
Conroe, TX 77 303

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 24
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 10 T



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711+3087

Date:

JP 54114
PM
H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 MAY 28 PM 5:57
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Stephanie A. Brennan

Signature

Stephanie A. Brennan

515 W. 30th St.

Printed Name and Address

Houston, TX 77018

OPA

JUN 01 2004

Date:

JP 55024

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 4: 43
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Tom Brennan
Printed Name and Address

844 Kinsman Rd.
Cleveland, Tx. 77328

OPA
JUN 01 2004
BY

MON
378228

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 47

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I rent a home within 9 miles of the proposed landfill and my address is 348 County Road 3018, Cleveland, TX 77328. I own the business Tila's Creature Comforts at 13985 Hwy. 105E, Cut and Shoot, TX 77303. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I don't want to have my water affected in any negative way and that is what landfills do.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Tila Brooks

Tila Brooks
348CR3810
Cleveland Tx 77328

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 47

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 2 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

7871143087

Date:

PM H SP 54150

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:59
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.

2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.

3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.

4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.

5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.

6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Ernest & Marie Brown
Printed Name and Address

15849 FM 1484
Conroe Tx 77302

OPA
JUN 01 2004

Signature

MSW
378ES

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 21

CHIEF CLERKS OFFICE

March 21, 2009

Ms. LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions Permit #2324

Dear Ms. Castañuela:

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills, a community-based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1/2 mile from the proposed landfill, my address and principal residence being 6687 Pine Shadows Road, Cleveland, Texas 77328. I live near the community of Security, Texas. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. *Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.*

The following disputed issues are material to the Commissioners' decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice

Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to

mw

respond. Further, due to the lack of due notice and the opportunity to make comment, the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement

Response 4: This response did not accurately address the fact that Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process

Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7- Environmental Public Defender

Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11- Location and Community Need

Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 – Ownership

Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell its interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction should the permit be approved.

Comment 15 - Land Use Compatibility

Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 - Access and Community Safety

Response 16: The traffic Study that the applicant provided does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 - Floodplain maps

Response 24: The applicant's estimation of the 100 year floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that the applicant subsequently updated. The result is not an accurate representation of the 100 year floodplain.

Comment 25 - Flooding

Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. The applicant has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus

focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 – Liner

Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3 foot clay liner with overlying 1 foot productive soil layer will not adequately protect underlying groundwater resources from 250+ feet of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 - Water and Soil Contamination

Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells against leakage from the site. The monitoring system design will only detect leakage when it has left the site and has already caused groundwater pollution.

Comment 32 - Air Pollution

Response 32: The 200 foot height of the site will allow even light winds to easily blow air pollutants over the community. This is not addressed at all in the permit design.

Comment 33 - Property Value and Area Development

Response 33: The landfill, if injected into the community, will cause water and soil pollution and significantly lower property values. Additionally, it will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally, I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Charles E. Buzbee
6687 Pine Shadows Road
Cleveland, Texas 77328

Charles E. Buzbee
6687 Pine Shadows Rd
Cleveland, TX 77328

$0.42 0
US POSTAGE
FIRST-CLASS
062S0006819841
77381
C95544.21

Ms. LaDonna Castañuela, Chief Clerk
TCEQ-105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

November 19, 2007

2007 DEC 17 AM 10: 57

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

OPA
PM
DEC 18 2007
H
BY

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms. Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

MW

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these

wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

The landfill will have catastrophic effects on my property value and overall health. Water and air quality will be negatively impacted, thereby reducing my overall quality of life because my property is within 2,000 feet of the proposed site.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Sincerely,

Charles E. Buzbee
6687 Pine Shadows Road
Cleveland, Texas 77328

Cc: Montgomery County Judge Barb Sadler
Montgomery County Commissioner Ed Rinehart
Texas State Senator Robert Nichols
Texas State Senator Tommy Williams
Texas State Representative Brandon Creighton

Mr. Charles E. Buzbee
6687 Pine Shadows Rd
Cleveland, TX 77328-5709

N HOUSTON TX 773
DEC 2007 PM 3 L

RECEIVED
DEC 17 2007
TCEQ MAIL CENTER
MM

HAPPY HOLIDAYS
41USA

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

78711+3087

JP 65423
13
C

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: CHARLES E. BUZBEE

Address: 6687 PINE SHADOWS ROAD

City/State: CLEVELAND Zip: 77328

Phone: 281 593 0863

☒ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

NSW
37808

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

H OPA

2009 MAR 26 AM 10: 20

CHIEF CLERKS OFFICE

BY KY

March 21, 2009

Ms. LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions Permit #2324

Dear Ms. Castañuela:

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills, a community-based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1/2 mile from the proposed landfill, my address and principal residence being 6687 Pine Shadows Road, Cleveland, Texas 77328. I live near the community of Security, Texas. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. *Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.*

The following disputed issues are material to the Commissioners' decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice

Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to

mw

respond. Further, due to the lack of due notice and the opportunity to make comment, the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement

Response 4: This response did not accurately address the fact that Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process

Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7- Environmental Public Defender

Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11- Location and Community Need

Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 – Ownership

Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell its interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction should the permit be approved.

Comment 15 - Land Use Compatibility

Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 - Access and Community Safety

Response 16: The traffic Study that the applicant provided does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 - Floodplain maps

Response 24: The applicant's estimation of the 100 year floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that the applicant subsequently updated. The result is not an accurate representation of the 100 year floodplain.

Comment 25 - Flooding

Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. The applicant has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus

focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 – Liner

Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3 foot clay liner with overlying 1 foot productive soil layer will not adequately protect underlying groundwater resources from 250+ feet of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 - Water and Soil Contamination

Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells against leakage from the site. The monitoring system design will only detect leakage when it has left the site and has already caused groundwater pollution.

Comment 32 - Air Pollution

Response 32: The 200 foot height of the site will allow even light winds to easily blow air pollutants over the community. This is not addressed at all in the permit design.

Comment 33 - Property Value and Area Development

Response 33: The landfill, if injected into the community, will cause water and soil pollution and significantly lower property values. Additionally, it will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally, I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Marie E. Buzbee

Marie E. Buzbee
6687 Pine Shadows Road
Cleveland, Texas 77328

MSW 37868 PM H

OPA

DEC 18 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 17 AM 10:

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms. Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

MW

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these

wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

The landfill will have catastrophic effects on my property value and overall health. Water and air quality will be negatively impacted, thereby reducing my overall quality of life because my property is within 2,000 feet of the proposed site.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Sincerely,

Marie E Buzbee

Marie E. Buzbee
6687 Pine Shadows Road
Cleveland, Texas 77328

Cc: Montgomery County Judge Barb Sadler
Montgomery County Commissioner Ed Rinehart
Texas State Senator Robert Nichols
Texas State Senator Tommy Williams
Texas State Representative Brandon Creighton

Proud Supporter of The Humane Society of the United States

Beth Buzbee
6687 Pine Shadows Rd
Cleveland TX 77328

N HOUSTON TX 773

13 DEC 2007 PM 3 L

RECEIVED

DEC 17 2007

TCEQ MAIL CENTER
MM

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

78711-3087

SP 40017

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 29 2:3
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Marie Buzbee
Signature

MARIE BUZBEE
Printed Name and Address

6687 Pine Shadows
Cleveland, Tx 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

37868

August 09, 2004

PM OPA RECEIVED
H AUG 09 2004
AT PUBLIC MEETING

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

CHIEF CLERKS OFFICE
2004 AUG 11 PM 2:48
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Lennie Cargill Keystone Natural Res. I am a resident in the area and I am concerned about:

Keystone Natural Resources
own 100% of the minerals under
the proposed landfill. My Concern
is reservation of (4) drill sites at
the 4 Corners of this property.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely, Keystone Natural Resources

Name Lennie Cargill
Address: 13040 FM 1314
City, State, & Zip Conroe TX 77302
Phone: 936 446 2152

written comments
did not speak

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:48
CHIEF CLERKS OFFICE

PLEASE PRINT: Keystone Natural Res

Name: Lonnie Cargill

Address: 15090 FM 1314

City/State: Conroe TX Zip: 77302

Phone: (936) 446 2157

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

BLACKBURN CARTER
A Professional Corporation
Lawyers

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

www.blackburncarter.com

James B. Blackburn, Jr.
jbb@blackburncarter.com

Mary W. Carter
mcarter@blackburncarter.com

Charles W. Irvine
charles@blackburncarter.com

Adam M. Friedman
afriedman@blackburncarter.com

MSW 378608

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 APR -3 AM 10: 11

CHIEF CLERKS OFFICE

OPA

H APR 03 2009

BY

March 25, 2009

RECEIVED

MAR 30 2009

OFFICE OF PUBLIC ASSISTANCE

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills ("CAML"), an organization whose members include citizens who live and/or own property in the vicinity of the proposed landfill. CAML's address is 1588 North Walker Road, Security, Texas 77328. CAML is managed by a committee, which includes Trudi O'Neil, Karen and Dale Welch and Janice Watkins. The purpose of this letter is to request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., for MSW Permit No. 2324, in accordance with the Executive Director's First Amended Response to Comments and Opportunity to Request a Contested Case Hearing issued by the Chief Clerk's Office February 26, 2009.

We have previously submitted requests for a contested case hearing on behalf of CAML (dated September 21, 2005 and December 11, 2007), which are incorporated herein.

The purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in a Contested Case Hearing are germane to these purposes.

MW

In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right. Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. He owns approximately 40 acres, raises cattle and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible adverse effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is a member of CAML, and is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor

activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

In the following paragraphs we identify disputed issues that are relevant and material to the Commission's decision on this application.

I. DRAINAGE AND FLOODING

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. Even though the Applicant has prepared additional information regarding the floodplain, we continue to question its accuracy based on local residents' observations. Comment 24 and 25. Further, the Applicant has not demonstrated that surface water or run-on water containing pollutants will not escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm. Comment 25.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm. Comment 25.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill. Comments 27 and 28.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes. Comment 27.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system. Comment 27.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site. Comments 27 and 29.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site. Comment 27.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard because several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area. Comment 27.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline

aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable, and the Applicant cannot scientifically demonstrate that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated. Comment 26.

III. LAND USE

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community. Comments 15 and 39.

A. Excessive Aerial Buildup

It is our understanding that the proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ. Comment 22.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically. Comment 11.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

C. Nuisance Conditions

The Applicant has failed to demonstrate the landfill will be operated to avoid nuisance conditions such as windblown waste, debris, odors, vectors, and dust impacting the nearby neighborhoods. Comments 20, 21, 23, 33, and 39.

D. Construction Waste

The Applicant has failed to demonstrate that accepting construction and demolition waste will not contribute to nuisance conditions such as odors. Specifically, sheetrock/gypsom wallboard generates hydrogen sulfide gas when it deteriorates. Sheetrock is a common construction material and waste product. Hydrogen sulfide is commonly described as smelling like rotten eggs. Comments 19 and 33.

IV. TRANSPORTATION AND ROAD USE

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site. Comment 16.

This projected truck traffic must be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site. State Highway 105 will still be heavily impacted by increased truck traffic even with the new entrance to the landfill, which must be properly analyzed.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.
- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.
- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

Although the Applicant has revised the entry path to the landfill, and no longer proposes to use North Walker Road for access, there remain issues associated with use of SH 105. Comment 16.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105

between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

V. LANDFILL CLUSTERING

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties. Comment 11.

VI. WETLANDS

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible. Comment 31.

VII. MINERAL INTEREST

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant. Comment 38.

VIII. PROTECTION OF ENDANGERED SPECIES

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species. Comment 31.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC. Comments 15 and 19.

X. COST ESTIMATE AND OWNERSHIP

The cost estimate for closure and post-closure care appears to be underestimated. Comment 40.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas. Comments 13 and 42.

XI. NOTICE

The permit was initially filed in March 2004 and TCEQ noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the Applicant. The Spanish speaking community has not been adequately noticed and has not been able to respond or been afforded the opportunity to properly respond. Comment 2.

CAML respectfully requests that a contested case hearing be granted on these important issues relating to Application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: See attached Mailing List

MAILING LIST

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk,Mc-105
P.O. Box 13087
Austin, TX 78711-3087

FOR THE EXECUTIVE DIRECTOR:
John Williams, Staff Attorney
Timothy Reidy, Staff Attorney
Environmental Law Division, MC-173
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Eric Beller, Technical Staff
Waste Permits Division, MC-124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:
Bridget Bohac, Director
Office of Public Assistance, MC-108
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR PUBLIC INTEREST COUNSEL:
Blas J. Coy, Jr., Attorney
Public Interest Counsel, MC-103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR THE APPLICANT:
Jeff McClanahan
Montgomery Landfill Solutions,L.P.
13921 Highway 105, Ste. 137
Conroe, TX 7304-5703

Gary R. Horwitch, P.E.
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, TX 77014

David W. Crews, Attorney
1915 North Frazier St., Ste. 103
Conroe, TX 77301

Duncan Norton
Lloyd Gosselink Rochelle & Townsend, P.C.
P.O. Box 1725
Austin, TX 78767-1725

BLACKBURN CARTER

A Professional Corporation
Lawyers

James B. Blackburn, Jr.
jbb@blackburncarter.com

Mary W. Carter
mcarter@blackburncarter.com

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

www.blackburncarter.com

Charles W. Irvine
charles@blackburncarter.com

Adam M. Friedman
afriedman@blackburncarter.com

OPA

H

BY KY

March 25, 2009

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 PM 2: 21
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills ("CAML"), an organization whose members include citizens who live and/or own property in the vicinity of the proposed landfill. CAML's address is 1588 North Walker Road, Security, Texas 77328. CAML is managed by a committee, which includes Trudi O'Neil, Karen and Dale Welch and Janice Watkins. The purpose of this letter is to request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., for MSW Permit No. 2324, in accordance with the Executive Director's First Amended Response to Comments and Opportunity to Request a Contested Case Hearing issued by the Chief Clerk's Office February 26, 2009.

We have previously submitted requests for a contested case hearing on behalf of CAML (dated September 21, 2005 and December 11, 2007), which are incorporated herein.

The purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in a Contested Case Hearing are germane to these purposes.

MW

In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right. Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. He owns approximately 40 acres, raises cattle and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible adverse effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is a member of CAML, and is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor

activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

In the following paragraphs we identify disputed issues that are relevant and material to the Commission's decision on this application.

I. DRAINAGE AND FLOODING

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. Even though the Applicant has prepared additional information regarding the floodplain, we continue to question its accuracy based on local residents' observations. Comment 24 and 25. Further, the Applicant has not demonstrated that surface water or run-on water containing pollutants will not escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm. Comment 25.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm. Comment 25.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill. Comments 27 and 28.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes. Comment 27.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system. Comment 27.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site. Comments 27 and 29.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site. Comment 27.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard because several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area. Comment 27.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline

aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable, and the Applicant cannot scientifically demonstrate that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated. Comment 26.

III. LAND USE

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community. Comments 15 and 39.

A. Excessive Aerial Buildup

It is our understanding that the proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ. Comment 22.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically. Comment 11.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

C. Nuisance Conditions

The Applicant has failed to demonstrate the landfill will be operated to avoid nuisance conditions such as windblown waste, debris, odors, vectors, and dust impacting the nearby neighborhoods. Comments 20, 21, 23, 33, and 39.

D. Construction Waste

The Applicant has failed to demonstrate that accepting construction and demolition waste will not contribute to nuisance conditions such as odors. Specifically, sheetrock/gypsom wallboard generates hydrogen sulfide gas when it deteriorates. Sheetrock is a common construction material and waste product. Hydrogen sulfide is commonly described as smelling like rotten eggs. Comments 19 and 33.

IV. TRANSPORTATION AND ROAD USE

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site. Comment 16.

This projected truck traffic must be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E. 1.6 miles southeast of the proposed site. State Highway 105 will still be heavily impacted by increased truck traffic even with the new entrance to the landfill, which must be properly analyzed.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.
- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.
- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

Although the Applicant has revised the entry path to the landfill, and no longer proposes to use North Walker Road for access, there remain issues associated with use of SH 105. Comment 16.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105

between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

V. LANDFILL CLUSTERING

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties. Comment 11.

VI. WETLANDS

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible. Comment 31.

VII. MINERAL INTEREST

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant. Comment 38.

VIII. PROTECTION OF ENDANGERED SPECIES

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species. Comment 31.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC. Comments 15 and 19.

X. COST ESTIMATE AND OWNERSHIP

The cost estimate for closure and post-closure care appears to be underestimated. Comment 40.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas. Comments 13 and 42.

XI. NOTICE

The permit was initially filed in March 2004 and TCEQ noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the Applicant. The Spanish speaking community has not been adequately noticed and has not been able to respond or been afforded the opportunity to properly respond. Comment 2.

CAML respectfully requests that a contested case hearing be granted on these important issues relating to Application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: See attached Mailing List

MAILING LIST

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk,Mc-105
P.O. Box 13087
Austin, TX 78711-3087

FOR THE EXECUTIVE DIRECTOR:
John Williams, Staff Attorney
Timothy Reidy, Staff Attorney
Environmental Law Division, MC-173
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Eric Beller, Technical Staff
Waste Permits Division, MC-124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:
Bridget Bohac, Director
Office of Public Assistance, MC-108
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR PUBLIC INTEREST COUNSEL:
Blas J. Coy, Jr., Attorney
Public Interest Counsel, MC-103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR THE APPLICANT:
Jeff McClanahan
Montgomery Landfill Solutions,L.P.
13921 Highway 105, Ste. 137
Conroe, TX 7304-5703

Gary R. Horwitch, P.E.
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, TX 77014

David W. Crews, Attorney
1915 North Frazier St., Ste. 103
Conroe, TX 77301

Duncan Norton
Lloyd Gosselink Rochelle & Townsend, P.C.
P.O. Box 1725
Austin, TX 78767-1725

BLACKBURN CARTER

A PROFESSIONAL CORPORATION
LAWYERS
4709 AUSTIN
HOUSTON, TEXAS 77004
(713) 524-1012

FAX TRANSMITTAL SHEET

CONFIDENTIAL: THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. THIS MESSAGE CONTAINS INFORMATION FROM THE LAW FIRM OF BLACKBURN CARTER, P.C. WHICH MAY BE **PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.** IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, **YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.** IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, **PLEASE NOTIFY US IMMEDIATELY** AT OUR TELEPHONE NUMBER ABOVE. WE WILL PROMPTLY ARRANGE FOR THE RETURN OF THIS MESSAGE TO US AT NO INCONVENIENCE TO YOU.

Date: March 25, 2009 **Time:** _____

To: Ms. LaDonna Castañuela

TCEQ

Fax No.: (512) 239-3311

From: Mary W. Carter
BLACKBURN CARTER, P.C.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 PM 2:21
CHIEF CLERKS OFFICE

Client/Matter: CAML **No. of Pages Including the Cover Sheet:** 10

_____ This transmittal is being forwarded to you in lieu of a hard copy. Please retain a copy for your records.

X This transmittal, or a copy thereof, is being forwarded to you by mail or special delivery.

Message:

If you did not receive all of the pages, or they are illegible, please call back as soon as possible:
Telephone: (713) 524-1012
Telecopier: (713) 524-5165

Sent By: za

BLACKBURN CARTER
A Professional Corporation
Lawyers

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165
www.blackburncarter.com

James B. Blackburn, Jr.
jbb@blackburncarter.com

Mary W. Carter
mcarter@blackburncarter.com

Charles W. Irvine
charles@blackburncarter.com

Adam M. Friedman
afriedman@blackburncarter.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 13 AM 10: 24
CHIEF CLERKS OFFICE
HR OPA PM
DEC 13 2007
BY JM

December 11, 2007

MSW 37868

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills ("CAML"), an organization whose members include citizens who live or own property in the vicinity of the proposed landfill. CAML's address is P.O. Box 7273, Cut and Shoot, Texas 77306. CAML is managed by a committee, which includes Trudi O'Neil, Karen and Dale Welch and Janice Watkins. The purpose of this letter is to submit comments regarding the proposed facility, request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., MSW Permit No. 2324, and to requested a public meeting in accordance with the notice of application and preliminary decision issued by the Chief Clerk's Office on November 13, 2007.

We had previously submitted a request for contested case hearing on behalf of CAML, Inc. (dated September 21, 2005). Much of this current letter is contained in the September 21, 2005 letter.

The purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in a Contested Case Hearing are germane to these purposes.

In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right. Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

MW

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. Additionally, he owns approximately 40 acres, raises cattle and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the

impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

In the following paragraphs we briefly discuss issues that are relevant and material to the Commission's decision on this application.

I. DRAINAGE AND FLOODING

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will

be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically.

Growth in the are has exploded in the last two years. During the past 5 years since the original application, MLS has neglected to update their permit concerning the growth that has occurred in the surrounding area. The Peach Creek Development (building homes and roads) is 1.12 miles east of the site and will use North Walker Road as its main entrance. CMSS has acquired the property immediately north of the site and it has begun development (platting and clearing roads). North Walker Road will be the main entrance. Timberswitch subdivision (building roads and homes) is about 1.6 miles south of the site on old SH 105 and it is a very large development. It will add to traffic at the intersection of North Walker Road & SH 105. In addition there are many new homes on acreage within 1 mile of the site.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

IV. TRANSPORTATION AND ROAD USE

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

There are other narrow and inadequate roadways through residential areas near the site that trucks will use in an effort to avoid the congestion. Residents in the area believe that this will pose a dangerous traffic problem to residents and to children boarding school buses.

The new roadway width cited in the amended permit is narrower and the thickness of the road is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for a roadway improvement and adequate traffic allowances.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

There are several families that live at the intersection of North Walker Road and the new landfill entrance road. They are very concerned about traffic in front of their homes and the number of large trucks that will be lining up to get into and out of the site.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight, before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.

- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.

- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once

again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands

have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE AND OWNERSHIP

The cost estimate for closure and post-closure care appears to be underestimated.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas.

CAML respectfully requests that a public meeting be held and a contested case hearing be granted on these important issues relating to application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
jbb@blackburncarter.com

Mary W. Carter
mcarter@blackburncarter.com

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

www.blackburncarter.com

Charles W. Irvine
charles@blackburncarter.com

Adam M. Friedman
afriedman@blackburncarter.com

MSW
37868

December 11, 2007

PM OPA HR
DEC 12 2007
BY JN

CHIEF CLERKS OFFICE
2007 DEC 11 PM 4:53
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills ("CAML"), an organization whose members include citizens who live or own property in the vicinity of the proposed landfill. CAML's address is P.O. Box 7273, Cut and Shoot, Texas 77306. CAML is managed by a committee, which includes Trudi O'Neil, Karen and Dale Welch and Janice Watkins. The purpose of this letter is to submit comments regarding the proposed facility, request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., MSW Permit No. 2324, and to requested a public meeting in accordance with the notice of application and preliminary decision issued by the Chief Clerk's Office on November 13, 2007.

We had previously submitted a request for contested case hearing on behalf of CAML, Inc. (dated September 21, 2005). Much of this current letter is contained in the September 21, 2005 letter.

The purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in a Contested Case Hearing are germane to these purposes.

In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right. Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

MW

Received:
Dec 11 2007 11:33am
Dec-11-07 12:47 From-BLACKBURN & CARTER +7135245165 T-356 P.02/10 F-882

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. Additionally, he owns approximately 40 acres, raises cattle and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the

impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

In the following paragraphs we briefly discuss issues that are relevant and material to the Commission's decision on this application.

I. DRAINAGE AND FLOODING

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Received: Dec 11 2007 11:34am
Dec-11-07 12:48 From-BLACKBURN & CARTER +7135245165 T-356 P.04/10 F-892

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will

Received: Dec 11 2007 11:34am
Dec-11-07 12:48 From-BLACKBURN & CARTER +7135245165 T-356 P.05/10 F-992

be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically.

Growth in the are has exploded in the last two years. During the past 5 years since the original application, MLS has neglected to update their permit concerning the growth that has occurred in the surrounding area. The Peach Creek Development (building homes and roads) is 1.12 miles east of the site and will use North Walker Road as its main entrance. CMSS has acquired the property immediately north of the site and it has begun development (platting and clearing roads). North Walker Road will be the main entrance. Timberswitch subdivision (building roads and homes) is about 1.6 miles south of the site on old SH 105 and it is a very large development. It will add to traffic at the intersection of North Walker Road & SH 105. In addition there are many new homes on acreage within 1 mile of the site.

Received: Dec 11 2007 11:34am
Dec-11-07 12:48 From-BLACKBURN & CARTER +7135245165 T-356 P.06/10 F-982

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

IV. TRANSPORTATION AND ROAD USE

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

There are other narrow and inadequate roadways through residential areas near the site that trucks will use in an effort to avoid the congestion. Residents in the area believe that this will pose a dangerous traffic problem to residents and to children boarding school buses.

The new roadway width cited in the amended permit is narrower and the thickness of the road is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for a roadway improvement and adequate traffic allowances.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

Received: Dec 11 2007 11:35am
Dec-11-07 12:49 From-BLACKBURN & CARTER +7135245165 T-356 P.07/10 F-992

There are several families that live at the intersection of North Walker Road and the new landfill entrance road. They are very concerned about traffic in front of their homes and the number of large trucks that will be lining up to get into and out of the site.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight, before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.
- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.
- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once

Received: Dec 11 2007 11:35am
Dec-11-07 12:49 From-BLACKBURN & CARTER +7135245155 T-355 P.08/10 F-992

again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands

Received: Dec 11 2007 11:36am
Dec-11-07 12:48 From-BLACKBURN & CARTER +7135245165 T-356 P.09/10 F-992

have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE AND OWNERSHIP

The cost estimate for closure and post-closure care appears to be underestimated.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas.

CAML respectfully requests that a public meeting be held and a contested case hearing be granted on these important issues relating to application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

BLACKBURN CARTER

A PROFESSIONAL CORPORATION
LAWYERS
4709 AUSTIN
HOUSTON, TEXAS 77004
(713) 524-1012

FAX TRANSMITTAL SHEET

CONFIDENTIAL: THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. THIS MESSAGE CONTAINS INFORMATION FROM THE LAW FIRM OF BLACKBURN CARTER, P.C. WHICH MAY BE PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY AT OUR TELEPHONE NUMBER ABOVE. WE WILL PROMPTLY ARRANGE FOR THE RETURN OF THIS MESSAGE TO US AT NO INCONVENIENCE TO YOU.

Date: December 11, 2007 **Time:**

To: Ms. LaDonna Castañuela, Chief Clerk

TCEQ, Office of the Chief Clerk

Fax No.: (512) 239-3311

From: Mary W. Carter
BLACKBURN CARTER, P.C.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 11 PM 4:53
CHIEF CLERKS OFFICE

Client/Matter: **Montgomery Landfill Solutions, L.P. MSW Permit No. 2324**

No. of Pages Including the Cover Sheet: 10

____ This transmittal is being forwarded to you in lieu of a hard copy. Please retain a copy for your records.

X The original of this transmittal, or a copy thereof, is being forwarded to you by mail or special delivery.

Message:

If you did not receive all of the pages, or they are illegible, please call back as soon as possible:
Telephone: (713) 524-1012
Telecopier: (713) 524-5165

Sent By: va

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Francis E. Chin

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 29 AM 10: 59
CHIEF CLERK'S OFFICE
RECEIVED
SEP 27 2005
WASTE PERMITS DIVISION
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
LLH
OPA
SEP 29 2005
BY

September 21, 2005

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

MSW 37868

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills ("CAML"), an organization whose members include citizens who live or own property in the vicinity of the proposed landfill. CAML's address is P.O. Box 7273, Cut and Shoot, Texas 77306, and its president is Mr. Glenn Bell. In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right. The purpose of this letter is to request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., MSW Permit No. 2324, in accordance with the notice and the Executive Director's Response to Public Comment issued by the Chief Clerk's Office July 15, 2005, and notice dated August 26, 2005.

We had previously submitted a request for contested case hearing on behalf of CAML, Inc. (dated August 4, 2005). Subsequent to that letter CAML, Inc. decided to dissolve the corporation, but continue to function and operate as a group or organization.

The purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in this Contested Case Hearing are germane to these purposes.

Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. According to the "conditions" in the Permit, N. Walker Road will need to be

reconstructed. Mr. Zylman will most likely have to give up part of his property for the reconstruction to straighten the road. Additionally, he owns approximately 40 acres, raises cattle and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

DISPUTED ISSUES OF FACT

In the following paragraphs we briefly discuss issues of fact disputed by members of CAML that are relevant and material to the Commission's decision on this application. We have identified by number the Executive Director's responses to comments that we dispute.

I. DRAINAGE AND FLOODING

Executive Director's Response to Comments Nos. 18 and 19

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site

and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

Executive Director's Response to Comments Nos. 20 and 21

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure

exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

Executive Director's Response to Comments Nos. 11 & 17

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

IV. TRANSPORTATION AND ROAD USE

Executive Director's Response to Comments No. 12

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The 239 to 323 truckloads per day cited in the proposal equate to 478-643 individual truck trips each day on North Walker Road. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight loads and to increase the sight distance at the reverse curve (N Walker Rd and Parker Rd) before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

In addition, TCEQ made a condition in their Preliminary Decision (IX Special Provisions) that "The applicant shall not accept waste at the facility until all improvements to North Walker Road, as described in the application, are complete".

Security Landfill (and Waste Management Industrial Landfill on Loop 336, 7 miles to the west), both have short, less than one-half mile long, dedicated access roads.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.

- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.

- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING

Executive Director's Response to Comments No. 8

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

Executive Director's Response to Comments No. 22

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Executive Director's Response to Comments No. 28

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

Executive Director's Response to Comments No. 22

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

Executive Director's Response to Comments No. 4

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE AND OWNERSHIP

Executive Director's Response to Comments Nos. 10, 31, and 33.

The cost estimate for closure and post-closure care appears to be underestimated.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas.

CAML respectfully requests that a contested case hearing be granted on these important issues relating to application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: *Via First Class U.S. Mail:*

FOR THE APPLICANT:
Imre J. Szekelyhidi, Jr., Manager
Montgomery Landfill Solutions, L.P.
P.O. Box 341056
Austin, Texas 78734

Gary R. Horwitch, P.E.
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, Texas 77014

David W. Crews, Attorney
1915 North Frazier Street, Ste. 103
Conroe, Texas 77301

Paul Gosselink
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin, & Townsend, P.C.
111 Congress Ave.
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR
John Williams, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Eric Beller, Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division, MC-124
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:
Jodena Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:
Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Francis E. Chin

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP 27 PM 2:20
CHIEF CLERKS OFFICE

September 21, 2005

OPA
SEP 28 2005
BY

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

MOD 37868

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills ("CAML"), an organization whose members include citizens who live or own property in the vicinity of the proposed landfill. CAML's address is P.O. Box 7273, Cut and Shoot, Texas 77306, and its president is Mr. Glenn Bell. In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right. The purpose of this letter is to request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., MSW Permit No. 2324, in accordance with the notice and the Executive Director's Response to Public Comment issued by the Chief Clerk's Office July 15, 2005, and notice dated August 26, 2005.

We had previously submitted a request for contested case hearing on behalf of CAML, Inc. (dated August 4, 2005). Subsequent to that letter CAML, Inc. decided to dissolve the corporation, but continue to function and operate as a group or organization.

The purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in this Contested Case Hearing are germane to these purposes.

Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. According to the "conditions" in the Permit, N. Walker Road will need to be

reconstructed. Mr. Zylman will most likely have to give up part of his property for the reconstruction to straighten the road. Additionally, he owns approximately 40 acres, raises cattle and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

DISPUTED ISSUES OF FACT

In the following paragraphs we briefly discuss issues of fact disputed by members of CAML that are relevant and material to the Commission's decision on this application. We have identified by number the Executive Director's responses to comments that we dispute.

I. DRAINAGE AND FLOODING

Executive Director's Response to Comments Nos. 18 and 19

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site

and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

Executive Director's Response to Comments Nos. 20 and 21

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure

exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

Executive Director's Response to Comments Nos. 11 & 17

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

IV. TRANSPORTATION AND ROAD USE

Executive Director's Response to Comments No. 12

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The 239 to 323 truckloads per day cited in the proposal equate to 478-643 individual truck trips each day on North Walker Road. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight loads and to increase the sight distance at the reverse curve (N Walker Rd and Parker Rd) before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

In addition, TCEQ made a condition in their Preliminary Decision (IX Special Provisions) that "The applicant shall not accept waste at the facility until all improvements to North Walker Road, as described in the application, are complete".

Security Landfill (and Waste Management Industrial Landfill on Loop 336, 7 miles to the west), both have short, less than one-half mile long, dedicated access roads.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.

- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.

- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING

Executive Director's Response to Comments No. 8

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

Executive Director's Response to Comments No. 22

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Executive Director's Response to Comments No. 28

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

Executive Director's Response to Comments No. 22

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

Executive Director's Response to Comments No. 4

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE AND OWNERSHIP

Executive Director's Response to Comments Nos. 10, 31, and 33.

The cost estimate for closure and post-closure care appears to be underestimated.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas.

CAML respectfully requests that a contested case hearing be granted on these important issues relating to application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: *Via First Class U.S. Mail:*

FOR THE APPLICANT:
Imre J. Szekelyhidi, Jr., Manager
Montgomery Landfill Solutions, L.P.
P.O. Box 341056
Austin, Texas 78734

Gary R. Horwitch, P.E.
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, Texas 77014

David W. Crews, Attorney
1915 North Frazier Street, Ste. 103
Conroe, Texas 77301

Paul Gosselink
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin, & Townsend, P.C.
111 Congress Ave.
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR
John Williams, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Eric Beller, Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division, MC-124
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:
Jodena Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:
Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

2005-1371-MSW

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Francis E. Chin

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

MSW 37868

September 21, 2005

OPA
H SEP 21 2005
BY DL

CHIEF CLERKS OFFICE
2005 SEP 21 AM 10:05

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills ("CAML"), an organization whose members include citizens who live or own property in the vicinity of the proposed landfill. CAML's address is P.O. Box 7273, Cut and Shoot, Texas 77306, and its president is Mr. Glenn Bell. In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right. The purpose of this letter is to request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., MSW Permit No. 2324, in accordance with the notice and the Executive Director's Response to Public Comment issued by the Chief Clerk's Office July 15, 2005, and notice dated August 26, 2005.

We had previously submitted a request for contested case hearing on behalf of CAML, Inc. (dated August 4, 2005). Subsequent to that letter CAML, Inc. decided to dissolve the corporation, but continue to function and operate as a group or organization.

The purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in this Contested Case Hearing are germane to these purposes.

Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. According to the "conditions" in the Permit, N. Walker Road will need to be

reconstructed. Mr. Zylman will most likely have to give up part of his property for the reconstruction to straighten the road. Additionally, he owns approximately 40 acres, raises cattle and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

DISPUTED ISSUES OF FACT

In the following paragraphs we briefly discuss issues of fact disputed by members of CAML that are relevant and material to the Commission's decision on this application. We have identified by number the Executive Director's responses to comments that we dispute.

I. DRAINAGE AND FLOODING

Executive Director's Response to Comments Nos. 18 and 19

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site

and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

Executive Director's Response to Comments Nos. 20 and 21

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure

exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

Executive Director's Response to Comments Nos. 11 & 17

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

IV. TRANSPORTATION AND ROAD USE

Executive Director's Response to Comments No. 12

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The 239 to 323 truckloads per day cited in the proposal equate to 478-643 individual truck trips each day on North Walker Road. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight loads and to increase the sight distance at the reverse curve (N Walker Rd and Parker Rd) before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

In addition, TCEQ made a condition in their Preliminary Decision (IX Special Provisions) that "The applicant shall not accept waste at the facility until all improvements to North Walker Road, as described in the application, are complete".

Security Landfill (and Waste Management Industrial Landfill on Loop 336, 7 miles to the west), both have short, less than one-half mile long, dedicated access roads.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.

- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.

- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING

Executive Director's Response to Comments No. 8

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type 1 landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

Executive Director's Response to Comments No. 22

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Executive Director's Response to Comments No. 28

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

Executive Director's Response to Comments No. 22

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

Executive Director's Response to Comments No. 4

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE AND OWNERSHIP

Executive Director's Response to Comments Nos. 10, 31, and 33.

The cost estimate for closure and post-closure care appears to be underestimated.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas.

CAML respectfully requests that a contested case hearing be granted on these important issues relating to application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: *Via First Class U.S. Mail*

FOR THE APPLICANT:
Imre J. Szekelyhidi, Jr., Manager
Montgomery Landfill Solutions, L.P.
P.O. Box 341056
Austin, Texas 78734

Gary R. Horwitch, P.E.
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, Texas 77014

David W. Crews, Attorney
1915 North Frazier Street, Ste. 103
Conroe, Texas 77301

Paul Gosselink
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin, & Townsend, P.C.
111 Congress Ave.
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR
John Williams, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P O. Box 13087
Austin, Texas 78711-3087

Eric Beller, Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division, MC-124
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:
Jodena Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL.
Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

BLACKBURN CARTER

A PROFESSIONAL CORPORATION
LAWYERS
4709 AUSTIN
HOUSTON, TEXAS 77004
(713) 524-1012

FAX TRANSMITTAL SHEET

CONFIDENTIAL: THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. THIS MESSAGE CONTAINS INFORMATION FROM THE LAW FIRM OF BLACKBURN CARTER, P.C. WHICH MAY BE **PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.** IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, **YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.** IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, **PLEASE NOTIFY US IMMEDIATELY** AT OUR TELEPHONE NUMBER ABOVE. WE WILL PROMPTLY ARRANGE FOR THE RETURN OF THIS MESSAGE TO US AT NO INCONVENIENCE TO YOU

Date: September 21, 2005 **Time:**

To: Ms. LaDonna Castañuela

TCEQ

Fax No.: (512) 239-3311

From: Mary W. Carter
BLACKBURN CARTER, P.C.

2005 SEP 21 AM 10:05
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Client/Matter: CAML **No. of Pages Including the Cover Sheet:** 11

____ This transmittal is being forwarded to you in lieu of a hard copy. Please retain a copy for your records.

X The original of this transmittal, or a copy thereof, is being forwarded to you by mail or special delivery.

Message:

If you did not receive all of the pages, or they are illegible, please call back as soon as possible:
Telephone: (713) 524-1012
Telecopier: (713) 524-5165

Sent By: vag

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Francis E. Chin

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

MSW 37868

August 4, 2005

H OPA

AUG 09 2005

BY

2005 AUG -8 PM 2:51
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills, Inc. ("CAML"). The purpose of this letter is to request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., MSW Permit No. 2324, in accordance with the notice and the Executive Director's Response to Public Comment issued by the Chief Clerk's Office July 15, 2005.

CAML is a non-profit corporation organized under the laws of the State of Texas, whose members include citizens who live or own property in the vicinity of the proposed landfill. CAML's address is P.O. box 7273, Cut and Shoot, Texas 77306, and its president is Mr. Glenn Bell. In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right.

According to the Articles of Incorporation, the purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in this Contested Case Hearing are germane to these purposes.

Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. According to the "conditions" in the Permit, N. Walker Road will need to be reconstructed. Mr. Zylman will most likely have to give up part of his property for the reconstruction to straighten the road. Additionally, he owns approximately 40 acres, raises cattle

and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

DISPUTED ISSUES OF FACT

In the following paragraphs we briefly discuss issues of fact disputed by members of CAML that are relevant and material to the Commission's decision on this application. We have identified by number the Executive Director's responses to comments that we dispute.

I. DRAINAGE AND FLOODING

Executive Director's Response to Comments Nos. 18 and 19

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site

and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

Executive Director's Response to Comments Nos. 20 and 21

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure

exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

Executive Director's Response to Comments Nos. 11 & 17

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

IV. TRANSPORTATION AND ROAD USE

Executive Director's Response to Comments No. 12

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The 239 to 323 truckloads per day cited in the proposal equate to 478-643 individual truck trips each day on North Walker Road. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight loads and to increase the sight distance at the reverse curve (N Walker Rd and Parker Rd) before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

In addition, TCEQ made a condition in their Preliminary Decision (IX Special Provisions) that "The applicant shall not accept waste at the facility until all improvements to North Walker Road, as described in the application, are complete".

Security Landfill (and Waste Management Industrial Landfill on Loop 336, 7 miles to the west), both have short, less than one-half mile long, dedicated access roads.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.

- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.

- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING

Executive Director's Response to Comments No. 8

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

Executive Director's Response to Comments No. 22

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Executive Director's Response to Comments No. 28

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

Executive Director's Response to Comments No. 22

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

Executive Director's Response to Comments No. 4

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE AND OWNERSHIP

Executive Director's Response to Comments Nos. 10, 31, and 33.

The cost estimate for closure and post-closure care appears to be underestimated.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas.

CAML respectfully requests that a contested case hearing be granted on these important issues relating to application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: *Via First Class U.S. Mail:*

FOR THE APPLICANT:
Imre J. Szekelyhidi, Jr., Manager
Montgomery Landfill Solutions, L.P.
P.O. Box 341056
Austin, Texas 78734

Gary R. Horwitch, P.E.
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, Texas 77014

David W. Crews, Attorney
1915 North Frazier Street, Ste. 103
Conroe, Texas 77301

Paul Gosselink
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin, & Townsend, P.C.
111 Congress Ave.
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR
John Williams, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Eric Beller, Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division, MC-124
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:
Jodena Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:
Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr
Mary W. Carter
Francis E. Chin

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

HR/OPA

AUG 05 2005

BY

August 4, 2005

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

MSW 37868

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills, Inc. ("CAML"). The purpose of this letter is to request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., MSW Permit No. 2324, in accordance with the notice and the Executive Director's Response to Public Comment issued by the Chief Clerk's Office July 15, 2005.

CAML is a non-profit corporation organized under the laws of the State of Texas, whose members include citizens who live or own property in the vicinity of the proposed landfill. CAML's address is P.O. box 7273, Cut and Shoot, Texas 77306, and its president is Mr. Glenn Bell. In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right.

According to the Articles of Incorporation, the purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in this Contested Case Hearing are germane to these purposes.

Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. According to the "conditions" in the Permit, N. Walker Road will need to be reconstructed. Mr. Zylman will most likely have to give up part of his property for the reconstruction to straighten the road. Additionally, he owns approximately 40 acres, raises cattle

and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

DISPUTED ISSUES OF FACT

In the following paragraphs we briefly discuss issues of fact disputed by members of CAML that are relevant and material to the Commission's decision on this application. We have identified by number the Executive Director's responses to comments that we dispute.

I. DRAINAGE AND FLOODING

Executive Director's Response to Comments Nos. 18 and 19

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site

and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

Executive Director's Response to Comments Nos. 20 and 21

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure

exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

Executive Director's Response to Comments Nos. 11 & 17

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

Aug-04-05 15:36 From-BLACKBURN & CARTER +7135245165 T-904 P 06/11 F-033
From:+7135245165 Aug 4 2005 15:33 P.06

IV. TRANSPORTATION AND ROAD USE

Executive Director's Response to Comments No. 12

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The 239 to 323 truckloads per day cited in the proposal equate to 478-643 individual truck trips each day on North Walker Road. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight loads and to increase the sight distance at the reverse curve (N Walker Rd and Parker Rd) before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

In addition, TCEQ made a condition in their Preliminary Decision (IX Special Provisions) that "The applicant shall not accept waste at the facility until all improvements to North Walker Road, as described in the application, are complete".

Security Landfill (and Waste Management Industrial Landfill on Loop 336, 7 miles to the west), both have short, less than one-half mile long, dedicated access roads.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.

- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.

- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING

Executive Director's Response to Comments No. 8

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

Executive Director's Response to Comments No. 22

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Executive Director's Response to Comments No. 28

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

Executive Director's Response to Comments No. 22

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

Executive Director's Response to Comments No. 4

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE AND OWNERSHIP

Executive Director's Response to Comments Nos. 10, 31, and 33.

The cost estimate for closure and post-closure care appears to be underestimated.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas.

CAML respectfully requests that a contested case hearing be granted on these important issues relating to application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: *Via First Class U.S. Mail:*

FOR THE APPLICANT:
Imre J. Szekelyhidi, Jr., Manager
Montgomery Landfill Solutions, L.P.
P.O. Box 341056
Austin, Texas 78734

Gary R. Horwitch, P.E.
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, Texas 77014

David W. Crews, Attorney
1915 North Frazier Street, Ste. 103
Conroe, Texas 77301

Paul Gosselink
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin, & Townsend, P.C.
111 Congress Ave.
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR
John Williams, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Eric Beller, Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division, MC-124
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:
Jodena Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:
Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

BLACKBURN CARTER

A PROFESSIONAL CORPORATION
LAWYERS
4709 AUSTIN
HOUSTON, TEXAS 77004
(713) 524-1012

FAX TRANSMITTAL SHEET

CONFIDENTIAL: THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. THIS MESSAGE CONTAINS INFORMATION FROM THE LAW FIRM OF BLACKBURN CARTER, P.C. WHICH MAY BE **PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.** IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, **YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.** IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, **PLEASE NOTIFY US IMMEDIATELY** AT OUR TELEPHONE NUMBER ABOVE. WE WILL PROMPTLY ARRANGE FOR THE RETURN OF THIS MESSAGE TO US AT NO INCONVENIENCE TO YOU.

Date: August 4, 2005 **Time:** _____

To: Ms. LaDonna Castañuela

TCEQ

Fax No.: (512) 239-3311

From: Mary W. Carter
BLACKBURN CARTER, P.C.

Client/Matter: CAML **No. of Pages Including the Cover Sheet:** 11

_____ This transmittal is being forwarded to you in lieu of a hard copy. Please retain a copy for your records.

X This transmittal, or a copy thereof, is being forwarded to you by mail or special delivery.

Message: _____

If you did not receive all of the pages, or they are illegible, please call back as soon as possible:
Telephone: (713) 524-1012
Telecopier: (713) 524-5165

Sent By: vag

MSW
378608

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
jbb@blackburncarter.com

Mary W. Carter
mcarter@blackburncarter.com

4709 Austin
Houston, Texas 77004
Telephone (713) 524-1012
Telefax (713) 524-5165

www.blackburncarter.com

Charles W. Irvine
charles@blackburncarter.com

Adam M. Friedman
afriedman@blackburncarter.com

OPA

March 25, 2009

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 27 AM 10: 46
CHIEF CLERKS OFFICE

Via Facsimile: (512) 239-3311
and First Class U.S. Mail
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions, L.P. MSW Permit No. 2324

Dear Ms. Castañuela:

This letter is being submitted on behalf of Citizens Against Montgomery Landfills ("CAML"), an organization whose members include citizens who live and/or own property in the vicinity of the proposed landfill. CAML's address is 1588 North Walker Road, Security, Texas 77328. CAML is managed by a committee, which includes Trudi O'Neil, Karen and Dale Welch and Janice Watkins. The purpose of this letter is to request a contested case hearing regarding the application by Montgomery Landfill Solutions, L.P., for MSW Permit No. 2324, in accordance with the Executive Director's First Amended Response to Comments and Opportunity to Request a Contested Case Hearing issued by the Chief Clerk's Office February 26, 2009.

We have previously submitted requests for a contested case hearing on behalf of CAML (dated September 21, 2005 and December 11, 2007), which are incorporated herein.

The purpose of CAML is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Montgomery County, Texas, (2) serve the charitable purposes of working toward a cleaner environment for Montgomery County, Texas through education, promotion of alternatives, and communication with the citizens, local and state elected officials, and (3) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CAML seeks to protect in a Contested Case Hearing are germane to these purposes.

In accordance with 30 T.A.C. § 55.205, several members of CAML, as indicated below, have standing to request a contested case hearing in his/her own right. Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Paul R. and Rebecca J. Zylman reside and own the property located at 2388 N. Walker Road at the dangerous "S" curve on North Walker Road. Though this property has been part of their family for approximately 31 years, the Zylman's have resided on this property for approximately 19 years. The Zylman's property is located approximately 1/2 mile southeast of the landfill. He owns approximately 40 acres, raises cattle and a portion of his pasture currently floods. Contaminants from the landfill, flowing on the property could have a possible adverse effect on his cattle that he sells for market. Their farm is known as the "Beefmaster" farm.

Dale and Karen Welch reside and own the property located at 2791 N. Walker Road, approximately 1/4 mile south of the landfill. The Welch's have lived on this property approximately 20 years and the property has been in the family since 1965. The Welch's property is on the west side of the dangerous "S" curve on North Walker Road.

Travis and Lisa Selph have owned the property located at 7050 N. Walker Road, approximately 700 feet from the landfill, since 1991. The Seph's, including other family members with adjoining properties, live east of the northern portion of the proposed landfill.

Woodrow J. and Mary Turner have lived at 7202 N. Walker Road since 1977. Their 5-acre property is located approximately 1,000 feet from the proposed landfill. Mr. Turner "Woody" lives east of the northern portion of the proposed landfill site, above the Selph's.

Larry Rains has lived at 5800 Pine Shadows, approximately 1/4 mile from the proposed landfill, since 1978. Mr. Rains' property is east of the northern portion of the proposed landfill site.

Paul Simmons lives southeast of the proposed landfill approximately 1/4 mile away at 18597 Parker Road. Mr. Simmon's property is immediately east of the dangerous "S" curve. Lawrence Creek runs through Mr. Simmon's property and he already has flooding problems. There will be run-off from the landfill site into Lawrence Creek and subsequently his property.

Barbara, Travis and Matt Mayeux live approximately 1/2 mile from the proposed landfill at 2547 N. Walker Road. The Mayeux's property is directly south of the landfill site on the west side of N. Walker Road at the dangerous "S" curve.

Ms. Sheila Freeman is a member of CAML and lives at 18604 Carrot, Spring, Texas. Ms. Freeman owns a 94-acre tract of land abutting the proposed landfill site at the northeast corner (No. 15 on the adjacent landowners list). The property floods and she is worried about possible contamination of her ponds for cattle watering from the landfill because she sells the cattle for human consumption.

Each of the above named citizens is a member of CAML, and is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CAML are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor

activities which will be impacted by the operation of this facility. Furthermore, each one of the residents obtains drinking water from an individual well, and concern about their drinking water is a major issue in this matter.

In the following paragraphs we identify disputed issues that are relevant and material to the Commission's decision on this application.

I. DRAINAGE AND FLOODING

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. Even though the Applicant has prepared additional information regarding the floodplain, we continue to question its accuracy based on local residents' observations. Comment 24 and 25. Further, the Applicant has not demonstrated that surface water or run-on water containing pollutants will not escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow on the active portion of the landfill during the peak discharge from at least a 25 year storm. Comment 25.

Additionally, the Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm. Comment 25.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill. Comments 27 and 28.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes. Comment 27.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system. Comment 27.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site. Comments 27 and 29.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site. Comment 27.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard because several hundred families live within one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area. Comment 27.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at risk of contamination over the life of the landfill. The Evangeline

aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable, and the Applicant cannot scientifically demonstrate that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated. Comment 26.

III. LAND USE

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community. Comments 15 and 39.

A. Excessive Aerial Buildup

It is our understanding that the proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ. Comment 22.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically. Comment 11.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

C. Nuisance Conditions

The Applicant has failed to demonstrate the landfill will be operated to avoid nuisance conditions such as windblown waste, debris, odors, vectors, and dust impacting the nearby neighborhoods. Comments 20, 21, 23, 33, and 39.

D. Construction Waste

The Applicant has failed to demonstrate that accepting construction and demolition waste will not contribute to nuisance conditions such as odors. Specifically, sheetrock/gypsom wallboard generates hydrogen sulfide gas when it deteriorates. Sheetrock is a common construction material and waste product. Hydrogen sulfide is commonly described as smelling like rotten eggs. Comments 19 and 33.

IV. TRANSPORTATION AND ROAD USE

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site. Comment 16.

This projected truck traffic must be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site. State Highway 105 will still be heavily impacted by increased truck traffic even with the new entrance to the landfill, which must be properly analyzed.

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.
- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.
- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

Although the Applicant has revised the entry path to the landfill, and no longer proposes to use North Walker Road for access, there remain issues associated with use of SH 105. Comment 16.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105

between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

V. LANDFILL CLUSTERING

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties. Comment 11.

VI. WETLANDS

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible. Comment 31.

VII. MINERAL INTEREST

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant. Comment 38.

VIII. PROTECTION OF ENDANGERED SPECIES

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species. Comment 31.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC. Comments 15 and 19.

X. COST ESTIMATE AND OWNERSHIP

The cost estimate for closure and post-closure care appears to be underestimated. Comment 40.

There is a question regarding the ownership of the Applicant and the status of the Applicant with the State of Texas. Comments 13 and 42.

XI. NOTICE

The permit was initially filed in March 2004 and TCEQ noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the Applicant. The Spanish speaking community has not been adequately noticed and has not been able to respond or been afforded the opportunity to properly respond. Comment 2.

CAML respectfully requests that a contested case hearing be granted on these important issues relating to Application No. MSW 2324.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

c: See attached Mailing List

MAILING LIST

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk,Mc-105
P.O. Box 13087
Austin, TX 78711-3087

FOR THE EXECUTIVE DIRECTOR:
John Williams, Staff Attorney
Timothy Reidy, Staff Attorney
Environmental Law Division, MC-173
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Eric Beller, Technical Staff
Waste Permits Division, MC-124
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:
Bridget Bohac, Director
Office of Public Assistance, MC-108
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR PUBLIC INTEREST COUNSEL:
Blas J. Coy, Jr., Attorney
Public Interest Counsel, MC-103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR THE APPLICANT:
Jeff McClanahan
Montgomery Landfill Solutions,L.P.
13921 Highway 105, Ste. 137
Conroe, TX 7304-5703

Gary R. Horwitch, P.E.
Metroplex Industries, Inc.
14423 Cornerstone Village Drive
Houston, TX 77014

David W. Crews, Attorney
1915 North Frazier St., Ste. 103
Conroe, TX 77301

Duncan Norton
Lloyd Gosselink Rochelle & Townsend, P.C.
P.O. Box 1725
Austin, TX 78767-1725

(2)

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: MARY CARTER

Address: 2900 WESLAYAN SUITE 400

City/State: HOUSTON TX Zip: 77027

Phone: (713) 524-1012

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Francis E. Chin

2900 Weslayan, Suite 400
Houston, Texas 77027
Telephone (713) 524-1012
Telefax (713) 524-5165

#37868
MSW
OPA
NOV 23 2004
BY

CHIEF CLERKS OFFICE
2004 NOV 23 PM 2:27

November 22, 2004

Via Facsimile: (512) 239-3311
and Federal Express
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
12100 Park 35 Circle
Austin, Texas 78753

Re: Montgomery Landfill Solutions, L.P. Application for Municipal Solid Waste Permit No. 2324

Dear Ms. Castañuela:

These comments are being submitted on behalf of Citizens Against Montgomery Landfill, Inc. ("CAML") in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality ("TCEQ") October 28, 2004. These comments are submitted in opposition to the Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues discussed below.

I. DRAINAGE AND FLOODING

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow onto the active portion of the landfill during the peak discharge from at least a 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed provide adequate information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within 75 feet to one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at grave risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at great risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at great risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many platted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

IV. TRANSPORTATION AND ROAD USE

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The 239 to 323 truckloads per day cited in the proposal equate to 478-643 individual truck trips each day on North Walker Road. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight loads and to increase the sight distance at the reverse curve (N Walker Rd and Parker Rd) before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

In addition, TCEQ made a condition in their Preliminary Decision (IX Special Provisions) that "The applicant shall not accept waste at the facility until all improvements to North Walker Road, as described in the application, are complete".

Security Landfill (and Waste Management Industrial Landfill on Loop 336 (7 miles to the west), both have short, less than one-half mile long, dedicated access roads.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

A. Deadly Impact of Increased Truck Traffic on Local Roadways

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.
- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.
- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING AND ENVIRONMENTAL JUSTICE

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid

American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE

The cost estimate for closure and post-closure care appears to be underestimated.

Thank you for your time and consideration of these comments.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

BLACKBURN CARTER
A Professional Corporation
Lawyers

James B. Blackburn, Jr.
Mary W. Carter
Francis E. Chin

2900 Wesleyan, Suite 400
Houston, Texas 77027
Telephone (713) 524-1012
Telefax (713) 524-5165

#37868
MSW
OPA
NOV 23 2004
BY

November 22, 2004

Via Facsimile: (512) 239-3311
and Federal Express
Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
12100 Park 35 Circle
Austin, Texas 78753

Re: Montgomery Landfill Solutions, L.P. Application for Municipal Solid Waste Permit No. 2324

Dear Ms. Castañuela:

These comments are being submitted on behalf of Citizens Against Montgomery Landfill, Inc. ("CAML") in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality ("TCEQ") October 28, 2004. These comments are submitted in opposition to the Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues discussed below.

I. DRAINAGE AND FLOODING

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-on control system capable of preventing flow onto the active portion of the landfill during the peak discharge from at least a 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with the TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed provide adequate information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size, treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The current landfill design does not adequately address surface water runoff and localized sheet flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent, groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain it does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The Applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. Further, the Applicant has not proven that no surface water or run-on water containing pollutants will escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties. The Security/Midway communities will be exposed to contaminated surface water from the site if this not adequately addressed.

The Houston-Galveston Area Council ("H-GAC") noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. H-GAC also stated that the Applicant should demonstrate that the landfill does not exacerbate localized flooding.

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

II. GROUNDWATER AND WATER WELL CONTAMINATION

The Applicant has not provided adequate information concerning groundwater conditions at the site.

The Applicant has not provided adequate information about the uppermost aquifer, hydraulically connected aquifers and the aquiclude beneath the groundwater system.

The Applicant has not addressed fully, a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood downgradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the site.

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within 75 feet to one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The Chicot aquifer is very shallow in this area. It is also a groundwater source in Montgomery County. Shallow wells near the proposed site are screened in this aquifer and are at grave risk for contamination. The base of the proposed landfill lies within the Chicot aquifer and will be very near the top of the Evangeline aquifer. Several hundred water wells within a one-mile radius of the landfill are at great risk of contamination over the life of the landfill. The Evangeline aquifer, the main source of drinking water in East Montgomery County and in parts of Harris County is at great risk of contamination very near its recharge zone.

The proposed landfill design includes a clay liner that allegedly will protect the underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure exerted by the underlying aquifer and by the high groundwater table that is present over much of the year while withstanding a very high volume of waste materials. Both the design, composition and structural integrity are questionable and the Applicant cannot scientifically demonstrate, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated.

III. LAND USE

The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the nearest community.

A. Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building. The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. This issue must be given serious consideration by TCEQ.

H-GAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

B. Community Growth

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by the town of Cut and Shoot located 1.5 miles to the west. Since the 2000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. These communities are currently experiencing continuous and rapid residential and business growth. This area is actually growing much more rapidly than Cut and Shoot. Several new subdivisions are within 1 to 2 miles of the site. Many new homes are planned for the area. In addition there are many planted lots on the market. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

The Applicant used the 2000 census and the growth projections in the Cut and Shoot area as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. H-GAC generated RAZ estimates of population density in the area were utilized as the basic siting criteria. These data are very generalized and do not accurately reflect the population density in the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

IV. TRANSPORTATION AND ROAD USE

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that the Applicant proposes to use to access the site.

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The 239 to 323 truckloads per day cited in the proposal equate to 478-643 individual truck trips each day on North Walker Road. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

H-GAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight loads and to increase the sight distance at the reverse curve (N Walker Rd and Parker Rd) before the facility begins receiving waste". H-GAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

In addition, TCEQ made a condition in their Preliminary Decision (IX Special Provisions) that "The applicant shall not accept waste at the facility until all improvements to North Walker Road, as described in the application, are complete".

Security Landfill (and Waste Management Industrial Landfill on Loop 336 (7 miles to the west), both have short, less than one-half mile long, dedicated access roads.

We believe a dedicated roadway specific to this landfill is much safer and more satisfactory to the community.

A. Deadly Impact of Increased Truck Traffic on Local Roadways

Large truck traffic will use local FM and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger. Impacted schools are:

- The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.
- Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.
- The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site, increase its aerial buildup, thus tripling its capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the Applicant's projections. DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been and is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

H-GAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session to accurately reflect traffic patterns in the area.

V. LANDFILL CLUSTERING AND ENVIRONMENTAL JUSTICE

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid

American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The H-GAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity. Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community. Furthermore, the impact to low income and minority communities is disproportionate to the population in Montgomery County and the four surrounding counties.

VI. WETLANDS

A significant amount of acreage bordering the two creeks includes jurisdictional wetlands. According to the Applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design will damage these wetlands. Migratory birds such falcons, geese, duck and Sandhill Cranes use these wetlands at certain times of the year. Their habitat will be disturbed or irreparably damaged.

The U.S. Army Corps of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. The wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible.

VII. MINERAL INTEREST

Although the TCEQ has declined to address the issue of mineral ownership at landfill sites, CAML raises this issue because the mineral interests at this site are not under the control of the Applicant.

VIII. PROTECTION OF ENDANGERED SPECIES

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of an endangered or threatened species.

Citizens have reported that they have seen the endangered red-cockaded woodpecker in the vicinity of the proposed location for the facility.

IX. REGIONAL SOLID WASTE PLAN

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by H-GAC.

X. COST ESTIMATE

The cost estimate for closure and post-closure care appears to be underestimated.

Thank you for your time and consideration of these comments.

Sincerely,

BLACKBURN CARTER, P.C.

by Mary W. Carter
Mary W. Carter

BLACKBURN CARTER

A PROFESSIONAL CORPORATION
LAWYERS
2900 WESLAYAN, SUITE 400
HOUSTON, TEXAS 77027
(713) 524-1012

FAX TRANSMITTAL SHEET

CONFIDENTIAL: THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. THIS MESSAGE CONTAINS INFORMATION FROM THE LAW FIRM OF BLACKBURN CARTER, P.C. WHICH MAY BE **PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW**. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, **YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED**. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, **PLEASE NOTIFY US IMMEDIATELY** AT OUR TELEPHONE NUMBER ABOVE. WE WILL PROMPTLY ARRANGE FOR THE RETURN OF THIS MESSAGE TO US AT NO INCONVENIENCE TO YOU

Date: November 22, 2004 **Time:**

To: Ms. LaDonna Castañuela

Chief Clerk, TCEQ

Fax No.: (512) 239-3311

From: Mary W. Carter
BLACKBURN CARTER, P.C.

CHIEF CLERKS OFFICE

Client/Matter: Montgomery Landfill Solutions, LP **No. of Pages Including the Cover Sheet:** 8

____ This transmittal is being forwarded to you in lieu of a hard copy. Please retain a copy for your records.

✓ The original of this transmittal, or a copy thereof, is being forwarded to you by mail or special delivery.

Message: Comments attached.

If you did not receive all of the pages, or they are illegible, please call back as soon as possible:
Telephone: (713) 524-1012
Telecopier: (713) 524-5165

Sent By: vag

MSW 37868

OPA

FEB 22 2008

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB 22 AM 10: 10

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Dennis R. Cartwright

Name- Dennis R Cartwright
Address- 1710 Crepel Rd. Cleveland, TX
Phone- 281/592-4921

Distance from proposed site-

Negative impact to my health, safety and property will be -

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868

PM H

OPA

FEB 22 2008

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB 22 AM 10: 10

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

1170

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Rosemary Cartwright

Name- Rosemary Cartwright
Address- 1710 Crepel Rd. Cleveland, TX
Phone- 281/592-4921

Distance from proposed site-

Negative impact to my health, safety and property will be -

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NOSW
378168

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 38

CHIEF CLERKS OFFICE

OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own property within 1 1/2 miles of the proposed landfill and my address is ~~17020 Solomon,~~ 4290 N. Duck Creek Cleveland, TX 77328 in the community of Security. I use my property for timber, ranching and pleasure residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

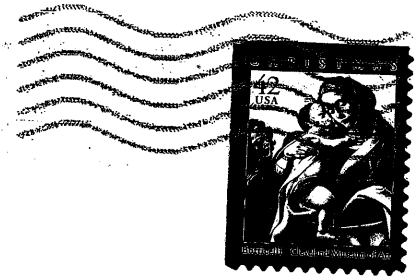
Sincerely,

Laura Champagne

Laura Champagne
4290 N. Duck Creek
Cleveland, TX 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 38
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 8 T



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

NSW
3/8/08

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 39

CHIEF CLERKS OFFICE
OPA

H

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 7,000 feet of the proposed landfill and my address is 15751 Miller Road, Conroe, TX 77303. I live near the community of Groceville. I use my property for residence, gardening, raise catfish and livestock. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

G.C

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

6.C

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I don't want to have my water affected in any negative way and that is what landfills do.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

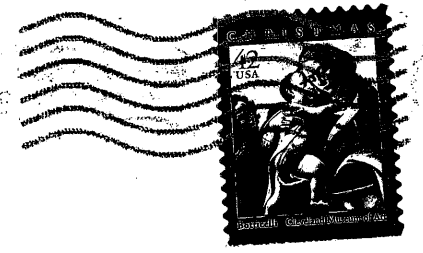
Sincerely,

Gary Chunn

Chunn
15751 Miller Rd
Conroe Tx 77303

HOUSTON TX 772

24 MAR 2009 PM 2 T



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 39

CHIEF CLERKS OFFICE

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711+3087

MCW
378608

OPA

4

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 35

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 7,000 feet of the proposed landfill and my address is 15751 Miller Road, Conroe, TX 77303. I live near the community of Groceville. I use my property for residence, gardening, raise catfish and livestock. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

PC.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

PC.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

PC

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I don't want to have my water affected in any negative way and that is what landfills do.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Penny Chunn

Chunn
15751 Miller Rd
Conroe Tx 77303

HOUSTON TX 772
24 MAR 2009 PM 3 L

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711+3087

Date:

PM OPA

MAY 27 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 27 AM 9:57

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Penny Chunn

Printed Name and Address

15751 Miller Rd

Conroe TX 77303

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

NSW 37868

PM H

OPA

JAN 07 2008

BY KG

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10: 5
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- JAMES E. CLANTON
Address- 10605 GREENRIDGE Rd.
Phone- 264 3412

Distance from proposed site- 2 1/2 Miles

Negative impact to my health, safety and property will be - Water Wells & Soil Contamination

Sincerely

James E. Clanton

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 MAY 28 PM 3:56
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Doug Cockerham
Signature

DOUGLAS COCKERHAM
Printed Name and Address

6200 FOREST DR.
CLEVELAND TEX 77328

OPA
JUN 01 2004

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

William Cockerham
Signature

William Cockerham
Printed Name and Address

P.O. 7937 Pasadena TX 77508

2004 MAY 28 PM 3:55
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA
JUN 01 2004

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

2008 JAN -7 PM 3:29

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Floyd C Collins
Address- 2923 N Walkward
Phone- 2815925956

Distance from proposed site- Next TO

Negative impact to my health, safety and property will be - Water, Smell & Trafic

Floyd C Collins

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
378168

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 30

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I reside within 3 miles of the proposed landfill and my address is 20724 Red Oak Drive, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Larry Wayne Collins

Larry Wayne Collins
20724 Red Oak Drive
Cleveland, TX 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 30
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 3 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

March 10, 2005
MC105, TCEQ
P.O. Box 13087
Austin,Texas 78711-3087

OPA H 37868 MSW

MAR 10 2005

BY

RE: Montgomery Landfill Solutions,L.P.,Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH105 and Walker Road,Montgomery County,Texas.There are many reasons why I believe that the proposed landfill on Walker Road is a very bad idea:

1) We don't need another landfill as we already have two in the area and it will be used mostly for garbage coming from four other counties, not ours.

2) Traffic congestion is already bad on Highway 105 and I'm told it is the most dangerous Highway in Texas. So adding three hundred fifty or more garbage trucks each day, coming and going,will be a disaster.

3) Walker Road is the only access street to a large subdivision. It is very narrow with dangerous curves and has no ditches for water drainage,nor any sidewalks for our children to walk or ride bicycles on. Several school busses pick up and deliver kids to and from school each day.My grandson was almost run over getting off a school bus last year because the car coming around the curve didn't see him until it was almost too late.

4) There are several hundred homes within a two to three mile radius of the proposed land fill and they all use water wells. I don't think the liners the landfills use will be sufficient to keep these wells from being contaminated. Once the aquafer is conyaminated it will effect people for miles and miles.

5) Flooding is also a major concern,as we have problems already. With the dump there all the run off water will be contaminated,and there is no way it cannot affect the drinking water and everyone downstream.(Splendora,New Caney,Humble,and Houston)

6) Also,there is the environment to worry about,and pollution of our air from all the trucks coming in and out. If there was ever a tornado or hurricane it would have garbage strewn for miles. It will be bad enough, just the garbage falling off the trucks and littering our streets.

7) Last but not least, no one is buying property or building homes aruond here because of the proposed dump. And our property values have fallen because no one wants to live here anymore.

I am requesting that the Contested Case Hearing on this application be held in Montgomery County, Texas and that I be allowed to speak.

Sincerely,

Linda K. Collins
Signature

LINDA K. Collins
Printed Name and Address

2925 N. Walker Rd
Cleveland TX 77328

cc: Represenative Ruben Hope,Senator Todd Staples, Senator Tommy Williams

MSW 37868

PM CPA
H JAN 07 2008
BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10:
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Tina Collins
Address- 2913 N. Walker Rd Cleveland, TX 77328
Phone- 281-592-5956

Distance from proposed site- 1,500 Feet

Negative impact to my health, safety and property will be - Issue with Smell, Noise and well water

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

March 10, 2005
MC105, TCEQ
P.O. Box 13087
Austin,Texas 78711-3087

OPA H 37868 MSW

MAR 10 2005

BY

RE: Montgomery Landfill Solutions,L.P.,Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH105 and Walker Road,Montgomery County,Texas.There are many reasons why I believe that the proposed landfill on Walker Road is a very bad idea:

1) We don't need another landfill as we already have two in the area and it will be used mostly for garbage coming from four other counties, not ours.

2) Traffic congestion is already bad on Highway 105 and I'm told it is the most dangerous Highway in Texas. So adding three hundred fifty or more garbage trucks each day, coming and going,will be a disaster.

3) Walker Road is the only access street to a large subdivision. It is very narrow with dangerous curves and has no ditches for water drainage,nor any sidewalks for our children to walk or ride bicycles on. Several school busses pick up and deliver kids to and from school each day.My grandson was almost run over getting off a school bus last year because the car coming around the curve didn't see him until it was almost too late.

4) There are several hundred homes within a two to three mile radius of the proposed land fill and they all use water wells. I don't think the liners the landfills use will be sufficient to keep these wells from being contaminated. Once the aquafer is conyaminated it will effect people for miles and miles.

5) Flooding is also a major concern,as we have problems already. With the dump there all the run off water will be contaminated,and there is no way it cannot affect the drinking water and everyone downstream.(Splendora,New Caney,Humble,and Houston)

6) Also,there is the environment to worry about,and pollution of our air from all the trucks coming in and out. If there was ever a tornado or hurricane it would have garbage strewn for miles. It will be bad enough, just the garbage falling off the trucks and littering our streets.

7) Last but not least, no one is buying property or building homes aruond here because of the proposed dump. And our property values have fallen because no one wants to live here anymore.

I am requesting that the Contested Case Hearing on this application be held in Montgomery County, Texas and that I be allowed to speak.

Sincerely,

Signature

Tina Collins

Printed Name and Address

Tina Collins

2913 N. Walker Rd
Cleveland, TX 77328

cc: Represenative Ruben Hope,Senator Todd Staples, Senator Tommy Williams

Date:

PM 14

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Amy C Colvin
Signature

Amy C Colvin
Printed Name and Address

14309 S. Pacific
Houston, TX 77049

OPA
JUN 01 2004

MSW
378448

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 PM 2:58

CHIEF CLERKS OFFICE

4 OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home approx three miles of the proposed landfill and my address is 16370 tree monkey rd. I live near the community of Security tx I use my property for residence . I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

cc

MW
378208

H

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 48

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 4681 Greenwood Drive, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
James Crandle

James Crandle
4681 Greenwood Drive
Cleveland, Tx 77368

HOUSTON TX 772
24 MAR 2009 PM 2 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 48

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
378168

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 29

CHIEF CLERKS OFFICE
OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I rent a home within 1 ½ miles of the proposed landfill and my address is 18451 Soloman, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.
Comment 4 - State and Local Government Involvement

MW

Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

William Winright Cribbs

William Wineight Gribbs
18451 Soloman
Cleveland Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 2 L
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 29

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711+3087

37868

PM
H

OPA RECEIVED
AUG 09 2004
CHIEF CLERKS OFFICE
AT PUBLIC MEETING

2004 AUG 11 PM 2:48
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Doug Crofton. I am a resident in the area and I am concerned about:

Other than monetary reasons for the owners of this project. This dump can bring nothing but harm to our homes, ~~[illegible]~~ investments and our lives we have worked very hard for. Would you like to start over after you where set for the future.
Who is going to monitor the contents of the dumpsters left at construction sites. People put anyand everything in these dumpsters.
The Four lawers, two engineers and One geologist we are up against.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Doug Crofton
Address: 3255 Pine Rd.
City, State, & Zip Cleveland TX. 77328
Phone: 281 592-3317

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:48
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Doug Crofton

Address: 3255 Pine Rd.

City/State: Cleveland **Zip:** Texas

Phone: (281) 592-3317

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37888
MSW

Splendora Independent School District

"Unification for Student Achievement

August 09, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERKS OFFICE
2:48

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

I am the Superintendent of Splendora Independent School District with a High school and Junior High school on FM 2090. I am very concerned about the influx of large truck traffic that will access the landfill. These trucks will use the local roadways that pass by Splendora High and Middle Schools and will travel the same country roads as our students, parents, teachers and employees. Our school buses already have a difficult time negotiating these roadways considering the heavy traffic from logging trucks, 18-wheelers and maintenance vehicles. This additional influx of large truck traffic will contribute to the congestion of these roads, not to mention additional wear and tear on the roads. Of course, safety is our paramount concern. Our parents, young school children, high school students, teachers and bus drivers will face additional danger everyday as they travel back and forth to school.

As the Chairman of the East Montgomery Improvement District (EMCID) I am also very concerned with the negative impact this site will have on our efforts to provide economic and community development opportunities for our area. The additional traffic on congested roadways and the addition of another landfill within two miles of each other will diminish our environment and target us as a place to practice environmental injustice.

I am respectfully requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Leon W. Cubillas

Leon W. Cubillas
9754 Daw Collins Road
Cleveland, Texas 77328

cc: Senator-Todd Staples, Senator-Tommy Williams, and Representative-Ruben Hope Jr.
Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart
County Commissioner Pct. 2 Craig Doyal, County Commissioner Pct 1 Mike Meador
County Commissioner Pct. 3 E Change, HGACG Solid Waste Program Manager-Cheryl Mergo

P.O Box 168 * Splendora, Tx * 77372
Phone: 281.689.3128 * Fax: 281.689.7509

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -7 PM 3:30

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

OPA

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Joshua Davis
Address- 16373 Crockett Crossing
Phone- 281 883 2731

Distance from proposed site-

Negative impact to my health, safety and property will be - Approx 1 mile from site lower property value ~~are~~ more rats, snake, and the smell. My Water is valuable to me and my right not to live next to a Dump site.

Sincerely

Joshua Davis

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:36
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Peggy Sue Davis
Signature

OPA
JUN 01 2004

Peggy Sue Davis
Printed Name and Address

24484 Morgan Cemetery Rd
Cleveland, TX 77328

March 10,2005

OPA

MAR 10 2005

BY

37823
MSW

Office of the Chief Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Subject: Opposition to the Pending Application for Landfill Permit, No. 2324 - Montgomery Landfill Solutions,L.P., Applicant.
Proposed Site: 3761 North Walker Road, Montgomery County, TX

Please accept this letter as my notice of opposition to the above subject Application for Landfill Permit, as follows:

(l) The proposed site location, is on North Walker Road, 1.5 miles North of State Highway 105. The sole access (ingress and egress)to this site is a winding 2 lane, 21 foot wide minimal standard county road with a posted weight limit of 30,000 lbs, much less than the 50,000 lbs plus of the landfill vehicles.
Walker Road is also the sole access for the hundreds of families in the area and it would be logistically impossible to additionally attempt to handle the projected large number of landfill vehicles.

(2) State, local and surrounding territory officials have gone on record against the landfill location.
State Representative Rueben Hope spoke out against it, in the February 19, 2005 edition of the Courier Newspaper, citing "ground water contamination" as a major concern.He has also concurrently filed Texas Housebill 1053, which would prevent future landfills from being built near residences, churches, day care facilities and city parks.
Official Resolutions against this landfill location have been passed by, The Montgomery County, TX, Judge and Commissioners Court, The Town of Cut and Shoot, TX, Mayor and Town Council, The City of Cleveland, TX, Mayor and City Council, and the Liberty County, TX, Judge and Commissioners Court (copies attached).

(3) This proposed 473 acre site is located within a few feet of the l00 year flood plain, is mostly covered with water the year round, contains 21 plus officially designated "wetland" areas, and serves as a wildlife refuge for migratory fowl, including ducks and geese. It is bordered by 2 active waterways, (West Fork Spring Creek on the West and Lawrence Creek on the East), both of which flow Southeast and eventually into the San Jacinto River and Lake Houston,water source for the City of Houston.

(4) There are thousands of acres of undeveloped land, to the North, South and East of this site, that are isolated from communities, that are environmentally suited for a landfill.

(5) Montgomery County, the State of Texas and the whole of the United States, would be far better served, if this 473 acre site was Federally declared as a protected wetland and wildlife sanctuary. There is no doubt that Montgomery Landfilll Solutions could recover their investment from the Federal Government and become invironmental heros by relocating their proposed landfill site.

Prior to approving this landfill application, I respectfully request that the TCEQ Executive Director, "request a direct referral for a contested case hearing.

Respectfully,

Jim Dawson
1902 Derk Small Road
Cleveland, TX 77328 (Montgomery County, TX)

Attachments: Copies of the above 4 "Resolutions"

RESOLUTION NO. 3-31-04

A RESOLUTION OF THE CITY OF CLEVELAND, TEXAS
AGAINST A PROPOSED LANDFILL FOR
EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, the City Council of the City of Cleveland, Texas has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is locate within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 31st day of March, 2004.

Monique McDuffie-Davis

Monique McDuffie-Davis, Mayor

ATTEST:

Kelly McDonald

Kelly McDonald, City Secretary

#4
1-26-04

RESOLUTION
AGAINST
MONTGOMERY COUNTY LANDFILL SOLUTIONS, L.P.

WHEREAS, on December 2, 2002, Montgomery County Commissioners Court passed a resolution in support of Montgomery County Landfill Solutions, L.P. building a type IV municipal solid waste facility on approximately 473 acres of land on North Walker Road, Montgomery County, Texas; and

WHEREAS, the study for the proposed facility was based on a 1997 statistics and information specifically omitted the current development in the existing area that includes approximately 300 homes; and

WHEREAS, North Walker Road is a 21 foot wide road; and

WHEREAS, MSLS is anticipating 239 vehicles per day at start up and 335 vehicles per day at closure and the current peak hour of vehicles per day is 174. MLSL had documented the estimated hourly capacity is 202 vehicles per day. By admission by the applicant (MSLS), this road is not constructed to sustain the traffic volume; and

WHEREAS, additional development in the area is contemplated and in fact platted that would include up to 1000 homes and / or mobiles homes; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 - 15 years AND location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and fatalities would in fact no doubt occur; and

WHEREAS, the proposed land fill site is located within the 50 year flood plain with two active creeks bordering the east and west side, Lawrence Creek and West Fork Spring Branch Creek and construction of such facility in the 50 year flood plain bordered by two creeks would ultimately contaminate water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, Montgomery County is and continues to be the dumping ground for approximately a six county area but primarily benefits Harris County. It is time for other counties in the immediate region to mutually shoulder the burden of having their proportionate share of landfills that would take construction waste, demolition, debris and household garbage; and

WHEREAS, Montgomery County Commissioners Court on December 2, 2002 was not aware of many of the issues contained in this resolution at the time it supported Montgomery County Landfill Solutions, L.P.; and

WHEREAS, Montgomery County Commissioners Court has fully investigated locations, demographics, and other issues associated with this proposed facility and hereby recommends to the Texas Commission on Environmental Quality that they not approve a permit for any type of landfill on the subject 473 acres of land located on or near North Walker Road, Montgomery County, Texas.

NOW THEREFORE BE IT RESOLVED that Montgomery County Commissioners Court does hereby **RESCIND** it's resolution of December 2, 2002 and does in fact **OBJECT** to the permitting of the proposed facility in Montgomery County, Texas.

Alan B. Sadler, County Judge

Mike Meador, Commissioner, Pct. 1

Ed Chance, Commissioner, Pct. 3

Craig Doyal, Commissioner, Pct. 2

Ed Rinehart, Commissioner, Pct. 4

Attest:

Mark Turnbull, County Clerk

Motion was made by Bill Oliphant, and seconded by J. D. Roberts that the following Resolution be passed:

RESOLUTION NO. 64

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, CUT AND SHOOT, TEXAS, AGAINST PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS.

WHEREAS, the Town Council of Town of Cut and Shoot has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and

WHEREAS, the Town Council is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and facilities would in fact no doubt occur; and

WHEREAS, the proposed landfill site is located within two separate flood plain areas known as Lawrence Creek and West Fork – Spring Branch Creek and construction of such facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, the proposed landfill therefore poses a multitude of problems to the Town's residents and other citizens in East Montgomery County, related to health, traffic safety, pollution, litter, and other visual pollution;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 12th day of February, 2004.

Lang Thompson, Mayor

ATTEST:

Amy L. Wade, City Secretary

A RESOLUTION OF THE COUNTY OF LIBERTY, TEXAS, AGAINST A PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, The County of Liberty, Texas, has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 - 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is located within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNTY OF LIBERTY, TEXAS, opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 11th day of May, 2004.

LLOYD KIRKHAM, County Judge

ATTEST:

DELIA SELLERS, County Clerk

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

OPA

MAR 10 2005

BY JV

PLEASE PRINT:

Name: Jim Dawson

Address: 1902 Dank Small Rd

City/State: Cleveland TX Zip: 77328

Phone: (281) 592-6056

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

(4)

TCEQ Public Meeting Form

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3: 32
CHIEF CLERKS OFFICE

PLEASE PRINT: Dawson

Name: Jim DAWSON 1902 DERK

Address: 1902 Derk Small Rd

City/State: Cleveland TX Zip: 77328

Phone: (281)-592-6058

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

mw

3rd

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:40
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Jim Dawson

Address: 1902 Denk Small Rd

City/State: Cleveland **Zip:** 77328

Phone: (281) 592-6056

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

OPA RECEIVED

AUG 0 9 2004

TCEQ
37868
MLD

AT PUBLIC MEETING

Representatives of Montgomery Landfill Solutions and Texas Commission on Environmental Quality, neighbors and friends.

My name is Jim Dawson. I represent CAML, Citizens Against Montgomery County Landfills.

Let me say up front, that we are not against all landfills as our name may seem to imply. We all need and do use landfills. We fully recognize them as an important part of our environment. We are also not an enemy of landfill developers such as MLS, but we do oppose their choice of landfill sites. There are hundreds of thousands of undeveloped acres of land in and around Montgomery County that are available and geologically suitable for landfills. There is no need to place landfills in the centers of developed communities.

2004 AUG 1 2 PM
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

You older folks here, can relate to outhouses or privys as they are commonly called. Before modern indoor plumbing was available, we all had a privy. As with todays landfills they were absolutely necessary. But we didn't place them next to the house,next to our water wells or uphill. We placed them in suitable locations at an appropriate distance downwind from the house. Downwind was very important. Landfills likewise must be suitably located.

Factual reasons why the MLS proposed site on Walker Road is not suitable for a landfill:

The area is lowland and in great part a swamp, with a great portion being covered by some (20) plus designated wetlands, that are presently a refuge for migratory fowl and other endangered wildlife species.

The site is bordered on two sides by active waterways, West Fork Spring Branch and Lawrence Creek, both of which flow Southeast and eventually into the San Jacinto River, which emptys into Lake Houston, water supply to Houston residents. There is no possible way to prevent even normal rainfall, much less flood waters, from flowing from this site and entering these two waterways.

The only access to the site is a minimal standard,narrow,two lane winding county road, that could not possibly handle the landfill truck traffic alone, much less the combination of landfill trucks,resident's vehicles,school busses and bicycles.

The thousands of families living in the community, adjacent to the proposed site, rely solely on their private water wells for drinking water.Many of these wells are 30 feet or less deep.There is no scientific way possible to prevent contamination of these wells by a landfill on this site.

Local ranchers depend on surface stock ponds for their livestock. There is also no scientific way to prevent pollution of these ponds by rain water overflow and airborne dust from a landfill on this site.

There are many small farms whose crops would be contaminated by airborne dust from a landfill on this site.
Last but not least, there is absolutely no need for an additional landfill in our area. There are presently two landfills nearby, Security Landfill, approximately two miles from the proposed site and another, Waste Management, approximately seven miles from the proposed site. Additionally, Security Landfill is expanding, nearly tripling its capacity from 9.2 mil. cu. yds. to 27.1 mil cu. yds.and extending its life to 29 years.(reference, the Courier Newspaper,Thursday, August 5, 2004)
We, CAML, do not stand alone in our opposition to the location of this landfill site. In addition to local government officials, businessmen and citizens support, I have with me copies of resolutions against the MLS landfill permit from our own Montgomery County Judge and Commissioners Court,neighboring Liberty County Judge and Commissioners Court, The Cut and Shoot Mayor and Town Council and The City of Cleveland Mayor and City Council.
In spite of all of the foregoing support and established legitimate reasons, as to why a landfill should not be located on the proposed North Walker site, we have before us tonight, an application from Montgomery Landfill Solutions for a permit for a landfill to be located at that site. This application,prepared by a professional team for MLS, is now being considered for approval by TCEQ
Let's talk about this application.
First, I have in my wallet, a Texas Drivers License, with my picture on it. Everyone else here has or should have one. I don't like my picture as I am sure none of you do either. The reason is, it's a true image,not touched up, but looks exactly like me. The camera used by the DPS to take these pictures is simple without any touchup or enhancement features. I am sure that some, especially ladies, would prefer to have a professional photographer take their picture and skillfully touch it up. When you have a portrait made, you choose a professional to make it and touch it up to make you look better than you really do.
A quick story that I believe is appropriate here.
A rather wealthy old fellow, decided to hire an accountant to take care of his personal tax matters.
He ran an ad in the paper and had (3) applicants respond.
He interviewed the first applicant and ended the interview with a simple question,"how much is (2) dimes and (1) nickle.?"
The bewildered man replied"(25) cents of course".
The second applicant gave the same response.
The third applicant, when asked how much (2) dimes and (1) nickel was, he got up from his chair,walked over to the window, closed the blinds, locked the door,

walked back, leaned over the desk and whispered into the old man's ear. "how much do you want it to be".He got the job.

This brings me back to the application. I rest my case.

Folks of TCEQ, before you give further consideration to this landfill site, based on the picture painted by this application, we respectfully and officially for the records, request that TCEQ make a first hand amphibious tour of the site..

Thank you

Jim Dawson
1902 Derk Small Road
Cleveland, TX 77328
281-592-6056

RESOLUTION
AGAINST
MONTGOMERY COUNTY LANDFILL SOLUTIONS, L.P.

#4
1-26-04

WHEREAS, on December 2, 2002, Montgomery County Commissioners Court passed a resolution in support of Montgomery County Landfill Solutions, L.P. building a type IV municipal solid waste facility on approximately 473 acres of land on North Walker Road, Montgomery County, Texas; and

WHEREAS, the study for the proposed facility was based on a 1997 statistics and information specifically omitted the current development in the existing area that includes approximately 300 homes; and

WHEREAS, North Walker Road is a 21 foot wide road; and

WHEREAS, MSLS is anticipating 239 vehicles per day at start up and 335 vehicles per day at closure and the current peak hour of vehicles per day is 174. MLSL had documented the estimated hourly capacity is 202 vehicles per day. By admission by the applicant (MSLS), this road is not constructed to sustain the traffic volume; and

WHEREAS, additional development in the area is contemplated and in fact platted that would include up to 1000 homes and / or mobiles homes; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 - 15 years AND location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and fatalities would in fact no doubt occur; and

WHEREAS, the proposed land fill site is located within the 50 year flood plain with two active creeks bordering the east and west side, Lawrence Creek and West Fork Spring Branch Creek and construction of such facility in the 50 year flood plain bordered by two creeks would ultimately contaminate water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, Montgomery County is and continues to be the dumping ground for approximately a six county area but primarily benefits Harris County. It is time for other counties in the immediate region to mutually shoulder the burden of having their proportionate share of landfills that would take construction waste, demolition, debris and household garbage; and

A RESOLUTION OF THE COUNTY OF LIBERTY, TEXAS, AGAINST A PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, The County of Liberty, Texas, has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 - 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is located within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNTY OF LIBERTY, TEXAS, opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 11th day of May, 2004.

LLOYD KIRKHAM, County Judge

ATTEST:

DELIA SELLERS, County Clerk

Motion was made by Bill Oliphant, and seconded by J. D. Roberts that the following Resolution be passed:

RESOLUTION NO. 64

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, CUT AND SHOOT, TEXAS, AGAINST PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS.

WHEREAS, the Town Council of Town of Cut and Shoot has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and

WHEREAS, the Town Council is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and facilities would in fact no doubt occur; and

WHEREAS, the proposed landfill site is located within two separate flood plain areas known as Lawrence Creek and West Fork – Spring Branch Creek and construction of such facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, the proposed landfill therefore poses a multitude of problems to the

RESOLUTION NO. 3-31-04

A RESOLUTION OF THE CITY OF CLEVELAND, TEXAS
AGAINST A PROPOSED LANDFILL FOR
EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, the City Council of the City of Cleveland, Texas has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is locate within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 31st day of March, 2004.

Monique McDuffie-Davis

Monique McDuffie-Davis, Mayor

ATTEST:

Kelly McDonald

Kelly McDonald, City Secretary

37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 26 PM 2:41

CHIEF CLERKS OFFICE

OPA

MAY 27 2004

BY

May 12, 2004

Office of The Chief Clerk
MC 105,TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Subject: Letter of Opposition to Pending Application for Landfill Permit, No. 2324, Montgomery Landfill Solutions, L.P., Applicant

Please accept this letter as my notice of opposition to the above subject, Application for Landfill Permit, presently being considered by TCEQ.

There are multiple obvious, literal and environmental reasons for TCEQ"s denial of the subject Permit No. 2324.
The following are those that I consider to be the most important,
(1) As I understand it, the State Regulations, require an official resolution from the governing body of the geographical area chosen for the landfill site, approving the initial application , prior to acceptance by TCEQ. This absolutely did not happen .
The governing body of the Montgomery County area chosen for the site, is The Montgomery County Judge and Commissioners Court, which did in fact, in January 2004, issue a Resolution Against Montgomery Landfill Solution's application for the subject permit. This official action alone, should have immediately halted the application process.
Contrary to State Regulations, TCEQ accepted a resolution, supporting the landfill, from the City of Conroe, Mayor and City Council. It is a matter of official record, that the City of Conroe has no"Extra Territorial Jurisdiction", over the East Montgomery County area, chosen for the proposed landfill site.
By copy of this letter I am asking the Texas Attorney General, Greg Abbott, for an opinion on this issue.
(2) There is absolutely no need nor justification, for an additional landfill in the area chosen in the application.There is now (2) major landfills in the immediate area. There is a 375 acre Type I (Security Landfill) approximately 2.5 miles East of the proposed site, that has recently cleared a large amount of adjacent acreage on Highway 105, apparantly for expansion of the present facility.Another major Industrial waste facility(Waste Management) is located approximately (7) miles West of the proposed new site.Additionally, a Transfer Station, is to be located (8) miles West of the proposed new site,which creates a "clustering" of waste disposal facilities in the immediate area.
The only possible real purpose for developing this landfill is commercial profit for "unknown investors"
(3) The proposed 473 acre site is located within a few feet of the (100) year flood plain, mostly covered with standing water year round, contains (21) or more "official wetland" areas, serves as a wildlife refuge for migratory birds, including geese and ducks and is bordered by (2) active waterways, (West Fork Spring Branch Creek on the West and Lawrence Creek on the East.).

Both of these waterways flow Southeast and eventually into the San Jacinto River on to Lake Houston, the City of Houston's water source.
(4) There are several hundred families(projected to increase) living immediately adjacent to the landfill site, on the East Side(declining elevation), that depend entirely on individual water wells, (some of which are as shallow as (30) feet), for drinking water and other cleaning needs. Livestock owners in the same area, depend on surface water retention ponds for their animal's drinking water. Polluted flood waters from a landfill would devastate these rancher's herds.
(5)The absolutely, only access to the proposed landfill site is North Walker Road, a two lane, 21 foot wide, minimal standard county road, which is also the sole community access and the only route for school buses, in and out of the community.

There are many more, reasons for not approving this landfill permit application but none more apparant, than the initial non-conformance to State Regulations and un-questionable absolute lack of neccesity for additional landfill development in the proposed area.

Respectfully,

Jim Dawson
1902 Derk Small Rd.
Cleveland, Tx 77328(Montgomery County)

Attachments:
Resolutions Against the Landfill Application from:
Montgomery County Judge and Commissioners Court
Liberty County Judge and Commissioners Court
City of Cleveland, TX, Mayor and City Council
Mayor and Town Council of Cut and Shoot, TX

Copies:

Texas Attorney General, Mr, Greg Abbott
P.O. Box 12548
Austin, TX 78711

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
Attn: Director

HGAC
Ms. Sheryl Mergo
Fax: 1-713-993-4503

RESOLUTION
AGAINST
MONTGOMERY COUNTY LANDFILL SOLUTIONS, L.P.

#4
1-26-04

WHEREAS, on December 2, 2002, Montgomery County Commissioners Court passed a resolution in support of Montgomery County Landfill Solutions, L.P. building a type IV municipal solid waste facility on approximately 473 acres of land on North Walker Road, Montgomery County, Texas; and

WHEREAS, the study for the proposed facility was based on a 1997 statistics and information specifically omitted the current development in the existing area that includes approximately 300 homes; and

WHEREAS, North Walker Road is a 21 foot wide road; and

WHEREAS, MSLS is anticipating 239 vehicles per day at start up and 335 vehicles per day at closure and the current peak hour of vehicles per day is 174. MLSL had documented the estimated hourly capacity is 202 vehicles per day. By admission by the applicant (MSLS), this road is not constructed to sustain the traffic volume; and

WHEREAS, additional development in the area is contemplated and in fact platted that would include up to 1000 homes and / or mobiles homes; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 - 15 years AND location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and fatalities would in fact no doubt occur; and

WHEREAS, the proposed land fill site is located within the 50 year flood plain with two active creeks bordering the east and west side, Lawrence Creek and West Fork Spring Branch Creek and construction of such facility in the 50 year flood plain bordered by two creeks would ultimately contaminate water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, Montgomery County is and continues to be the dumping ground for approximately a six county area but primarily benefits Harris County. It is time for other counties in the immediate region to mutually shoulder the burden of having their proportionate share of landfills that would take construction waste, demolition, debris and household garbage; and

A RESOLUTION OF THE COUNTY OF LIBERTY, TEXAS, AGAINST A PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, The County of Liberty, Texas, has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 - 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is located within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNTY OF LIBERTY, TEXAS, opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 11th day of May, 2004.

LLOYD KIRKHAM, County Judge

ATTEST:

DELIA SELLERS, County Clerk

RESOLUTION NO. 3-31-04

A RESOLUTION OF THE CITY OF CLEVELAND, TEXAS
AGAINST A PROPOSED LANDFILL FOR
EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, the City Council of the City of Cleveland, Texas has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is locate within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 31st day of March, 2004.

Monique McDuffie-Davis

Monique McDuffie-Davis, Mayor

ATTEST:

Kelly McDonald

Kelly McDonald, City Secretary

Motion was made by Bill Oliphant, and seconded by J. D. Roberts that the following Resolution be passed:

RESOLUTION NO. 64

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, CUT AND SHOOT, TEXAS, AGAINST PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS.

WHEREAS, the Town Council of Town of Cut and Shoot has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and

WHEREAS, the Town Council is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and facilities would in fact no doubt occur; and

WHEREAS, the proposed landfill site is located within two separate flood plain areas known as Lawrence Creek and West Fork – Spring Branch Creek and construction of such facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, the proposed landfill therefore poses a multitude of problems to the Town's residents and other citizens in East Montgomery County, related to health, traffic

MSM
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 32

CHIEF CLERKS OFFICE

OPA

H

BY KG

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 11 miles west of the proposed landfill and my address is 1600 Riverpointe #482. I live near the community of Conroe Texas 77304. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

T.D. 3-21-09

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

T.D. 3-21-09

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

T.O. 3-21-09

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Troy A. Deaton

T.D. 3-21-09.

TROY DEATON
1600 RIVER POINTE DR. #482.
CONROE, TX. 77304

HOUSTON TX 772
24 MAR 2009 PM 3 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 32
CHIEF CLERKS OFFICE

78711+3087

MSW
378605

OPA

H

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:18

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 miles of the proposed landfill and my address is 4200 Deschner Road, Cut n Shoot, TX 77306. I live near the community of Cut n Shoot. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

DJD

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I have a well that is 180 ft. I don't want Montgomery and surrounding counties to pollute our water. We have lived here for 25 years and we enjoy the woods, nature, wildlife and quiet of the country. I don't want the trash following me.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

David J. Deschner

David J Deschner

David S Deschwen
4200 Deschwen Rd
Cut-n-Shoot Tx 77306

HOUSTON TX 772
23 MAR 2009 PM 3 T

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 27 PM 2:37
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

David J Deschner
Signature

David J Deschner
Printed Name and Address

PO Box 7098
Cut & Shoot TX 77306

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Deborah Doran

Address: 7735 N. Walker Rd

City/State: Cleveland TX **Zip:** 77328

Phone: 281 659-9491

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

OPA RFR

MAR 10 2005

BY JK

37868 MSW

March 10, 2005

To TEEQ,

I am writing this letter in regards to the proposed Landfill Permit # 2324 which will be located on N. Walker Road, Montgomery County.

I own approximately 14 Acres just North of the Proposed Site.

As I purchased this site as an investment for myself and a present + Future Home for my family, I am very concerned over all Issues Involved.

We have two large Homes Bought New in 2000 when I purchased the Land. the Land and all Improvements, well, Septic, etc was paid for In Cash. I point this out as I lost my Husband In February 2000 to Cancer at Age 49 years. At age 49, I couldn't and cannot collect Social Security, and have no other Source of Income. A Very large Amount of money was Invested In this Land.

The Concern over Environment, Traffic, Contamination are most Critical to me, as my Son-In-Law and Daughter are raising their three children Ages 8, 6, and 2yrs and are expecting another Baby in September.

It is beyond my comprehension to visualize the Number of large trucks traveling in and out daily in respect to the Number of School Children, In Just the immediate vicinity of North Walker Road.

The Sheer Magnitude of congestion, and Danger could and should not be addressed lightly.

The concerns with Flooding and Ground Water contamination are of Great concern and have not been Sufficiently addressed, certaintly not with recent census.

As this Land was purchased for a want and Need to be in a country Environment, Needless to Say a handfull at the Edge of it

Shatters all the visions we had.

I am very involved in Nature, Naturscaping, Birding and sharing those Ideals with my Grandchildren.

The Forest and Natural Wetlands, both documented and Not documented provides a wonderful place for us.

The Impact this handfill will have on the Woodlands, Natural Habitats, Migratory Birds Protection and Survival of many Species of Animals, Not to mention Fauna will be such a Negative and tragic outcome.

It concerns me that with many other Sites, and the fact that there are so many counties Involved, the choice for this site is such a poor choice, especially based on outdated census. There is certainty a handfill Clustering In this Area of Montgomery County, which is very

unfair, especially based on the growth of development since the landfill was first planned.

Not only will this landfill destroy Natural Beauty, endanger wild life, environment, possibly effect Flooding, already an issue, contaminate drinking water and put our Children at great Risk and Danger. It will affect and Destroy many lives. there are families working very hard to improve and build their futures here, retired seniors losing all they have left.

For my self, having moved all over the world, selling a beautiful home and having a vision for myself and my family it will only add to so many losses. the money I invested here is my source of retirement. How sad, it would all be in vain.

I propose and urge that you re consider the site for this landfill and all the impact it will have.

With all the Growth and Development, Building and Contracting in the Greater Houston area, I sympathize with the Need for this landfill, but surely you must agree this is not a proper site.

Thank you,

Ms. Deborah K Doran
17735 N. Walter Rd.
Cleveland TX 77328

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 27 PM 4:46
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

OPA
APR 30 2004
BY D

Sincerely,

Deborah K Doran
Signature

Deborah K Doran
Printed Name and Address

7735 N. Walker Rd
Cleveland Tx

Seperate Home From hyens on Same property

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 24 AM 10: 15

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

PM OPA
H JAN 24 2008
BY BP

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Alberto Enriquez
Address- 17631 Hwy 105 E Conroe
Phone- 936-264-4728

Distance from proposed site- 1 mile

Negative impact to my health, safety and property will be - You will ruin my business with all the extra traffic on this Hwy and cause more deaths than there already are.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37863

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 24 AM 10: 15

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

pm OPA
JAN 24 2008
BY BP

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Anneliese Enriquez
Address- 17631 Hwy 105 E. Conroe
Phone- 936-264-4728

Distance from proposed site- less than 1 mile

Negative impact to my health, safety and property will be - There is already enough traffic and this dump will cost lives for the hazards not to speak of all the trash that already blows on my property
What a horrible thing to propose

Sincerely

Anneliese Enriquez

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

L-SW
378608

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

H APR 03 2009

BY _____

2009 APR -2 PM 2:45

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 2 miles of the proposed landfill and my address is 4200 Weir Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and livestock. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Frank Fanning

November 10, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 17

CHIEF CLERKS OFFICE

OPA

JAN 17 2008

BY

MSW 37868 PM H

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Belinda Faulkner
Address- 14141 HWY 105
Phone- 936-264-3636

Distance from proposed site- 5 to 8 miles

Negative impact to my health, safety and property will be - I live Right on 105 traffic is already crazy I have a 16yr old that is already driving. A 14yr that will be on ~~105~~ driving on 105 soon. Lowers the value of property. Contamination of our water TOXIC WATER

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Date:

PM H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:00
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.

2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.

3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.

4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.

5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.

6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Kayla Renee Finley
Printed Name and Address

17745 Fm 1484
Conroe TX 77303

Kayla Renee Finley
Signature

OPA

JUN 01 2004

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

OPA
JAN 17 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN 16 AM 10: 16
CHIEF CLERKS OFFICE

MSW 37868

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Lisa Ford
Address- 10106 Kirkwood
Phone- 281-484-1420

Distance from proposed site-

Negative impact to my health, safety and property will be - Breathing problem for my Child David, property value decrease Unsafe

Sincerely Lenison Ford

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
378108

OPA

4

BY KM

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:09

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 2 miles south west of the proposed landfill and my address is 175 Aquarius Road. I live near the community of Cut N Shoot. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

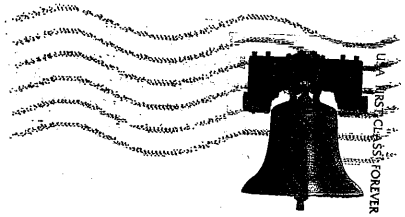
Sincerely

Stephanie Ford

Stephanie Ford

Stephanie Ford
175 Aquarius Rd
Conroe Tx 77306

HOUSTON TX 772
23 MAR 2009 PM 2 L



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

NB. J
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2009 MAR 24 PM 3: 19

CHIEF CLERKS OFFICE

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 2 miles south west of the proposed landfill and my address is 16467 North Emerson Circle. I live near the community of Cut N Shoot. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Vanda Ford

Vanda Ford

Vanda Ford
16467 North Emerson Circle
Conroe Tx 77306

HOUSTON TX 772
23 MAR 2009 PM 8 T

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MEN
378108

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

H

2009 MAR 27 AM 10: 52

BY KY

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 2812 Acorn Place, Cleveland, TX 77328 in the community of Security. I use my property for my residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

SF

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

SF

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

SF

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Skipper ~~Fontaine~~ Fountain

Skipper Fountain

OPA
JUN 14 2004
BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 JUN 14 AM 10: 53

CHIEF CLERKS OFFICE

PM
H

37868

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Montgomery Landfill Solutions, L. P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit.

1) **Current Landfills in Area:** There is a Type 1, 375-acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, 6 miles to the west, and a proposed transfer station 8 miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development:** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new home sites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic Safety:** The entrance to the proposed landfill on North Walker Road is a two-lane, 21' wide county road, and the only entrance into our community and properties. The lives of school children waiting for their buses will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the floodwaters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1-mile radius of this proposed landfill site have water wells as their only source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U. S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but also serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting and a contested case hearing on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County, Texas.

Sincerely,

James J Frank
Signature

James J. Frank
Printed Name and Address

15216 Dogwood Lane
Conroe, Tx 77303

Cc: Representative Ruben Hope, Senator Todd Staples, and Senator Tommy Williams

Jim Frank
15216 Dogwood Lane
Conroe, TX 77303

HOUSTON, TX
PM
10 JUN
2004

37
USA

Office of the Chief Clerk
MC 105 TCEQ
P.O. BOX 13087
Austin, TX 78711-3087

RECEIVED
JUN 14 2004
TCEQ

78711-3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -2 AM 9:58

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

PM OPA
H
BY

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Terri Gandy
Address- PO Box 1031 - Cleveland TX 77328
Phone- 281-744-1882

Distance from proposed site- Work just a few Miles

Negative impact to my health, safety and property will be -
I will be breathing the affected Air especially when it rains the odor will be severe
It will also effect the water I drink at work

Sincerely

Terri Gandy

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
378 LES

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 30

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1300 feet east of the proposed landfill and my address is 18720 Oakridge Drive. I live near the community of Cleveland. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Steven Geisman

STEVEN W. GEISLAN
P.O. BOX 535
CONROE, TX 77305

HOUSTON TX 772
24 MAR 2009 PM 3 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 30

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711-3087

March 10, 2005
MC105, TCEQ
P.O. Box 13087
Austin,Texas 78711-3087

OPAH

37686
MSW

MAR 10 2005
BY

RE: Montgomery Landfill Solutions,L.P.,Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH105 and Walker Road,Montgomery County,Texas.There are many reasons why I believe that the proposed landfill on Walker Road is a very bad idea:

1) We don't need another landfill as we already have two in the area and it will be used mostly for garbage coming from four other counties, not ours.

2) Traffic congestion is already bad on Highway 105 and I'm told it is the most dangerous Highway in Texas. So adding three hundred fifty or more garbage trucks each day, coming and going,will be a disaster.

3) Walker Road is the only access street to a large subdivision. It is very narrow with dangerous curves and has no ditches for water drainage,nor any sidewalks for our children to walk or ride bicycles on. Several school busses pick up and deliver kids to and from school each day.My grandson was almost run over getting off a school bus last year because the car coming around the curve didn't see him until it was almost too late.

4) There are several hundred homes within a two to three mile radius of the proposed land fill and they all use water wells. I don't think the liners the landfills use will be sufficient to keep these wells from being contaminated. Once the aquafer is conyaminated it will effect people for miles and miles.

5) Flooding is also a major concern,as we have problems already. With the dump there all the run off water will be contaminated,and there is no way it cannot affect the drinking water and everyone downstream.(Splendora,New Caney,Humble,and Houston)

6) Also,there is the environment to worry about,and pollution of our air from all the trucks coming in and out. If there was ever a tornado or hurricane it would have garbage strewn for miles. It will be bad enough, just the garbage falling off the trucks and littering our streets.

7) Last but not least, no one is buying property or building homes aruond here because of the proposed dump. And our property values have fallen because no one wants to live here anymore.

I am requesting that the Contested Case Hearing on this application be held in Montgomery County, Texas and that I be allowed to speak.

Sincerely,

Dana Gibson

Signature

5730 S. Duck Creek Rd. Cleveland, Tx 77328

Printed Name and Address

cc: Represenative Ruben Hope,Senator Todd Staples, Senator Tommy Williams

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Norma Gibson

Address: 5730 S. Duck Creek Rd

City/State: Cleveland TX **Zip:** 77328

Phone: (281) 592-7106

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

PM
14

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Norma J. Gibson
Signature

OPA
JUN 01 2004

Norma J. Gibson
Printed Name and Address

5230 S. Duck Creek Rd
Cleveland, Tx 77328

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:56
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Vernie J. Gibson
Signature

VERNIE J. GIBSON
Printed Name and Address

24484 Morgan Cemetery Rd.
Cleveland, Tx 77328

OPA
JUN 01 2004

MSW 37868 PM

OPA

JAN 17 2008

H BY dl

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 20

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Sherry Glaze
Address- 21527 Maddux Dr. Porter Tx. 77365
Phone- 281) 354-7199

Distance from proposed site- 15 miles

Negative impact to my health, safety and property will be - Decreases property value increases resperitory illnesses among other health problems. attracts rodants.

Sincerely Sherry J. Glaze

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868

OPA

PM JAN 17 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 20

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- MATT GLAZEWSKI
Address- 20119 FOX GROVE LN. HUMBLE, TX 77338
Phone- 832 398 1169 / 281 446 8963

Distance from proposed site-

Negative impact to my health, safety and property will be - RESTATORY DISEASE, "VERY BAD HEALTH PROBLEMS", DECREASE PROPERTY VALUE

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MBW 37868 pm H

OPA

FEB 22 2008

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB 22 AM 10: 11

CHIEF CLERKS OFFICE

November 16, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324. Godejohn, Glenela

Name- Glenela Godejohn
Address- 10556 Fostakia Rd
Phone- Cleveland Tx 77328

Distance from proposed site-

Negative impact to my health, safety and property will be -

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MW 37863

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB 22 AM 10: 12

CHIEF CLERKS OFFICE

OPA

FEB 22 2008

BY GB

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324. Godejohn, Maurice

Name- Maurice Godejohn
Address- 10556 Fostoria Rd
Phone- Cleo TX

Distance from proposed site-

Negative impact to my health, safety and property will be -

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

2007 DEC 17 AM 10: 59

CHIEF CLERKS OFFICE

OPA

PM
H

DEC 18 2007

BY

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Steven Gotlard
Address- 3375 N. Walker Rd. Cleveland, Tx 77328
Phone- 281-432-2580

Distance from proposed site- adjacent

Negative impact to my health, safety and property will be - I have seen rain drain off this property and onto my property and onto N. Walker Rd. How can this not effect drinking water? N. Walker is already to busy, just with neighborhood traffic. Unless there is direct access from Hwy 105 the landfill should not even be considered.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Steven Gothard
3315 N. Walker Rd.
Cleveland, Tx. 77328

N HOUSTON TX 773
DEC 2007 PM 3 T

RECEIVED
DEC 17 2007
TCEQ MAIL CENTER
MM

GREEN GOODS

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Tx.
78711-3087

78711-3087

Nury
3/8/09

Via facsimile: (512) 239-3311
and surface mail

4

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:10

CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.5 miles northwest of the proposed landfill and my address is 310 S First St, Conroe, TX 77301. I live on Peach Creek. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Judith Gray

Judith Gray

jg

Judith Gray
310 S. Fiesl St
Conroe Tx 77301

HOUSTON TX 772
23 MAR 2009 PM 3 L

USA FIRST-CLASS FOREVER

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087 B012

MSW 37868 PM OPA H JAN 07 2008 BY

November 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10: 52
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- MARK GRIMES
Address- 5458 Greenwood Dr.
Phone- 281-593-1919

Distance from proposed site- ½ mile.

Negative impact to my health, safety and property will be - Traffic, Garbage. And my well System plus my property Value.

Sincerely

Mark Grimes

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

MSW 37868

OPA

PM JAN 17 2008

2008 JAN 16 AM 10: 16

BY

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Martha Guilbeaux
Address- 7985 Adcock Acres
Phone- 936 445 1195

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - Traffic
price of property
Well water

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868

OPA

PM

JAN 17 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 19

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

November 19, 2007

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Ronnie Guilbeaux
Address- 7985 Adeach Acres
Phone- 832-338-8332

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - water well
traffic
price of property

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NCM
378108

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 35

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 20122 Meadow Lake Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MH

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

MH

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

MH

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely, Melinda Hall

Melinda Hall

Melinda Hall
20122 Meadow Lake Rd
Cleveland, Tx 77328

HOUSTON TX 772

24 MAR 2009 PM 1 T

Ms. La Donna Castañuela
Office of the Chief Clerk MC105
TCEQ

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

2008 JAN -7 PM 3:29

CHIEF CLERKS OFFICE

OPA

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Kenny Hamby
Address- 6443 Pink Shaddows Rd
Phone- 281 572 0214

Distance from proposed site- 1 mile

Negative impact to my health, safety and property will be - Traffic, children, water, Hazardous to health, smell

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:58
CHIEF CLERKS OFFICE
OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PLEASE PRINT:

Name: Kenny Hamby

Address: 3375 N Walker Rd

City/State: cleveland Tx **Zip:** 77328

Phone: (281) 432-2342

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

My mother is sick she has lupous
with all the chemicles Being dumped
She is not going to get any better
please Tell me What is
is the city going to do
about This & is there
any thing you can do to
help?

Please give this to the person at the information table. Thank you.

37868

Lifestyle Community Church

18789 Oakridge Drive
Cleveland, Texas 77328
281-592-2746 936-537-0908

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:46
CHIEF CLERKS OFFICE

Jesus - "These words I speak to you...are foundational words, words to build a LIFE on."
Matthew 7:24 *The Message*

August 9, 2004

PM
H
OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

Texas Commission on Environmental Control
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My wife and I have been long time residents of Montgomery County. We left the area briefly to pastor a church in another location. When we left the area in June, 1998 there was very little in this part of the county. When we returned to the area in September 2002, we were astonished at its rapid growth. It is that rapid growth that led us to give our life savings to purchase a new home on Oakridge Drive and to pursue planting a new church and day care facility; Lifestyle Community Church and Lifestyle Daycare.

There are many issues about this particular landfill that disturb me. These issues are water contamination, highway safety, and flooding.

1. We get our water from the Evangeline aquifer, which sits just below the Chicot aquifer. The two aquifers are separated mostly by sand. It is my understanding from reviewing the permit that this site will be 227 feet in height. One hundred sixty feet of that will be above ground, leaving 67 feet below the surface. This means that the portion below ground is sitting in my water source. It is also my understanding that they are proposing a two foot clay liner. This is unacceptable to insure that our water source will not be contaminated.

2. The main access to our home is North Walker Road. North Walker is a winding road with many dangerous curves. Meeting another passenger vehicle on this road can, at times, be a frightening experience. Adding 300+ trucks a day to this road is only a recipe for disaster.

3. The next issue is that of flooding. The heavy volume of water without the landfill's contribution is already a problem. Much of that area if swampland and the ditches are almost always full of water. There were at least three days this spring when North Walker Road near the entrance to the proposed landfill site was impassable. With the runoff off from the proposed mountain of rubbish, this problem will only be multiplied.

4. On August 17, 2003 First Assembly of God Church, Conroe, Texas, purchased 6 acres of property along Highway 105 East in front of the Crockett Trace subdivision for the purpose of planting Lifestyle Community Church and Lifestyle Daycare. As pastor of Lifestyle Community Church, it has been brought to my attention that the permit application states in Part 2, Item 1.6.6, Land Use Conclusion, Page II-9, that there is no church, licensed daycare or hospital within one mile of the proposed landfill site. I believe this property falls within this one mile of the proposed landfill site. I am also concerned about water contamination for the church and daycare as the water in that area does come from wells. The influx of large trucks will also jeopardize the safety of our proposed 200+ children and their parents accessing our facility from Highway 105.

I respectfully ask that you do not grant a permit to Montgomery Landfill Solutions, as they place no value on our community, water, lives, homes, and safety.

I am requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County.

Respectfully,
Rev. Duane E. Hamilton, 18789 Oakridge Drive, Cleveland, Texas 77328

32

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:46
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Duane + Tracy Hamilton

Address: 18789 Oakridge Drive

City/State: Cleveland TX **Zip:** 77328

Phone: (281) 592-2746

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? Lifestyle community Church

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Duane Hamilton

Address: 18789 Oakridge Dr. ~~Cleveland, TX~~

City/State: Cleveland, TX **Zip:** 77328

Phone: (281) 592-2746

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**

If yes, which one? Lifestyle Community Church Assemblies of God

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Lifestyle Community Church

16755 Highway 105 East
Conroe, Texas 77303
281-592-2746 936-537-0908
Mailing address: 18789 Oakridge Drive, Cleveland, TX 77328

37868 MSW

Jesus - "These words I speak to you...are foundational words, words to build a LIFE on."
Matthew 7:24 *The Message*

March 10, 2005

OPA
MAR 10 2005
BY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My wife and I have been long time residents of Montgomery County. We left the area briefly to pastor a church in another location. When we left the area in June, 1998 there was very little in this part of the county. When we returned to the area in September 2002, we were astonished at its rapid growth. It is that rapid growth that led us to give our life savings to purchase a new home on Oakridge Drive and to pursue planting a new church and day care facility; Lifestyle Community Church and Lifestyle Daycare.

There are many issues about this particular landfill that disturb me. These issues are water contamination, highway safety, and flooding.

1. On August 17, 2003 First Assembly of God Church, Conroe, Texas, purchased 6 acres of property along Highway 105 East in front of the Crockett Trace subdivision for the purpose of planting Lifestyle Community Church and Lifestyle Daycare. As pastor of Lifestyle Community Church, it has been brought to my attention that the permit application states in Part 2, Item 1.6.6, Land Use Conclusion, Page II-9, that there is no church, licensed daycare or hospital within one mile of the proposed landfill site. Our property is very close, one and two-tenths mile from the proposed landfill site. I am concerned about water contamination for the church and daycare as the water in that area does come from wells. The influx of large trucks will also jeopardize the safety of our proposed 200+ children and their parents accessing our facility from Highway 105. We are also proposing a KidCare America after school program that will bring an additional 300 to 400 students to our facility each afternoon. Can you assure that our water, air, and safety will not be compromised by the proposed landfill?

2. We get our water from the Evangeline aquifer, which sits just below the Chicot aquifer. The two aquifers are separated mostly by sand. It is my understanding from reviewing the permit that this site will be 227 feet in height. One hundred sixty feet of that will be above ground, leaving 67 feet below the surface. This means that the portion below ground is sitting in my water source. It is also my understanding that they are proposing a two foot clay liner. This is unacceptable to insure that our water source will not be contaminated.

3. The main access to our home is North Walker Road. North Walker is a winding road with many dangerous curves. Meeting another passenger vehicle on this road can, at times, be a frightening experience. Adding 300+ trucks a day to this road is only a recipe for disaster.

4. The next issue is that of flooding. The heavy volume of water without the landfill's contribution is already a problem. Much of that area if swampland and the ditches are almost always full of water. There were at least three days this spring when North Walker Road near the entrance to the proposed landfill site was impassable. With the runoff off from the proposed mountain of rubbish, this problem will only be multiplied.

I respectfully ask that you do not grant a permit to Montgomery Landfill Solutions, as they place no value on our community, water, lives, homes, and safety.

Respectfully,
Rev. Duane E. Hamilton, 18789 Oakridge Drive, Cleveland, Texas 77328

MSW
37828

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 PM 2:58

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

H OPA

BY KY

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home less than a quarter mile south east of the proposed landfill and my address is 3314 North Walker Rd. I live near the community of Security. I use my property for residence, livestock, and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Sandy Hamilton

37868

August 09, 2004

PM
H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

CHIEF CLERKS OFFICE

2004 AUG 11 PM 2:58

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Sandy Hamilton. I am a resident in the area and I am concerned about:

- Safety for my 5 children
- Trucks passing children waiting for school bus
- decreasing property values
- water contamination
- Soil contamination
- Road damage due to overweight trucks
- noisy disruption of day to day life
-

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Sandy Hamilton
Address: 3314 N. walker
City, State, & Zip Cleveland TX 77328
Phone: 281-659-0742

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:58
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Sandy & Steve Hamilton

Address: 3314 N. Walker

City/State: Cleveland **Zip:** 77328

Phone: (281) 659-0742

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

KSM
378C08 H

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 27

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home less than a quarter mile south east of the proposed landfill and my address is 3314 North Walker Rd. I live near the community of Security. I use my property for residence, livestock, and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

SA

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Steve Hamilton

Steve Hamilton

3314 N. Walker Rd
Cleveland TX 77328

HOUSTON TX 772
24 MAR 2009 PM 10 L

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 27

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711+3087

MSW
378128

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 28

CHIEF CLERKS OFFICE

OPA

H

BY KG

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 3/4 miles of the proposed landfill and my address is 19575 Cearley Road, Cleveland, TX 77328. I live near the community of Security. I use my property for a residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Beverly Hammett

Mrs Jerry Hammett
19575 Cearley
Cleveland, Texas 77328

HOUSTON TX 772

2009 PM 10 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 28

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED

MAR 2 6 2009

TCEQ MAIL CENTER
RB

78711+3087

MS. V
378108

H OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3: 14

BY KY

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 3/4 miles of the proposed landfill and my address is 19575 Cearley Road, Cleveland, TX 77328. I live near the community of Security. I use my property for a residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Jerry Hammett

Jerry Hammett
19575 Conroy
Cleveland, Tx 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 T

USA FIRST CLASS FOREVER

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

LH

NOW
378608

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 40

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within a 1 1/2_ miles of the proposed landfill and my address is 2000 California Avenue. I live near the community of Security. I use my property for residence, ranching and animal rescue/shelter. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

LH

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Lit

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Linda Hampton

Linda Huyth
P.O. Box 937
Cleveland TX 77328

HOUSTON TX 772
24 MAR 2009 PM 2 T

USA 42

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10:48
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela
Office of the Chief Clerk - MC105
Texas Commission on Environmental Quality

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

N-SW
37868

OPA
JAN 17 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN 16 AM 10: 19
CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Sheila Hardrick
Address- 5022 Algernon Drive 77373
Phone- 281-350-1836

Distance from proposed site- 20 miles

Negative impact to my health, safety and property will be - threat to my health, the environment and state of Texas

Sincerely
Sheila A. Hardrick

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Date:

PM #

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 26 PM 4:00
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

James Harper
Signature

JAMES HARPER
Printed Name and Address

308 KINSMAN
Cleveland TX 77328

OPA
JUN 01 2004

MSW 37868

OPA

PM JAN 17 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 20

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

November 19, 2007

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Prescilla Harris
Address- 18219 Yukon Ridge Trail - Humble, Tx
Phone- 281-844-1495

Distance from proposed site-

Negative impact to my health, safety and property will be - Bad Water running down to Humble
Lower Property value

Sincerely

Prescilla Harris

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSR!
3/18/08

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 24

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 4 miles east of the proposed landfill and my address is 20245 Teepee Trail, Cleveland, TX 77328. I live in the community of Security/Midway. I use my property for a residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Kathleen Harrison

Kathleen Harrison

Harrison
20245 Teepee Trail
Cleveland, TX
77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 24
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 10 T

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711+3087

N W
37868

OPA

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 30 PM 3: 15

CHIEF CLERKS OFFICE

H

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 4681 Greenwood Drive, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Laurie Headings

Headings
4681 Greenwood Dr
Cleveland, TX 77328

IN HOUSTON TX 770
25 MAR 2009 PM 3 L

USA 42

Ms. La Donna Castanuela
Office of the Chief Clerk - MC105
TX Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

RECEIVED
MAR 30 2009
TCEQ MAIL CENTER
SS

78753+1808

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: LAURIE HEADINGS - Disgruntled Citizen

Address: 4681 Greenwood Dr

City/State: Cleveland TX **Zip:** 77328

Phone: (281) 593-2501

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

I want to state that I don't have a well deep enough to feel comfortable with your findings. I live at a lower elevation than the elevation than the landfill, and feel my children and live stock are in danger. My land is under the majority

Please give this to the person at the information table. Thank you.

of the year. I also built my Slab 12" taller than normal and in the last 6 months the water came within 1" of coming into my home. My Child has to wait on the street to go to school. I don't feel that you can assure his safety. I also am concerned for the added element of individuals with police records & the added presence of the trucks will bring sexual predators, dealers that have never been in this Community.

Flooding is a main concern my land stays under water the majority of the year that means standing water and I don't think you can assure me of the safety for my family & land value & live stock.

Roads are not able to handle the capacity of the trucks and the industerial material being carried.

My Question of most concern is when the water over runs the facility lands in my back yard what is my Recourse & why are we having 3 within several miles of one another.

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 2:3
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Laurie Headings
Signature

LAURIE HEADINGS
Printed Name and Address

4681 Greenwood Dr
Cleveland, Tx 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

December 12, 2007

MSW 37868

OPA

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 27 AM 11:30

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC105 - P.O. Box 13087
Austin, TX 78711-3087

RE: MONTGOMERY LANDFILL SOLUTIONS (MLS) AMENDED PERMIT APPLICATION #2324

Dear Ms. Castuanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision dated 11/13/2007.

I live less than 1 mile or 0.7 (feet, 0.2, 0.4, 0.6, 0.8 mile) from the proposed landfill site. My family's health, safety, property and tranquil lifestyle will be severely affected if this permit is granted.

1) Traffic and safety – It currently takes me 5 minutes or less to drive from my home to the corner of N. Walker Road and SH 105. Negotiating with the projected 400-600 (800-1,200 round trip) waste vehicles per day, will be unbearable and unsafe. Children, throughout the community, riding their bicycles to the local Zipp store and Dollar General at this intersection will have their lives at stake.

2) Contamination – I am very concerned about the dust and air contaminates that will be emitted from the landfill and the trucks carrying the construction and debris material to the landfill. Additionally, my only source of potable water is my water well. Since the landfill will be 60 feet below the surface with only a clay liner, I am fearful of a break in the liner and subsequent leachate penetration into the acquifers.

3) The community already endures a Type I landfill (Security Waste Management), just 1.6 miles from the proposed MLS landfill. They recently received approval from TCEQ to expand their facility and accept waste (including C&D) for the next 30 years.

4) During the past three years, the Midway community has grown significantly. If this landfill is allowed, it will thwart this growth and decrease our property value.

I am requesting another public meeting so TCEQ and the Applicant can address these and other community member's concerns.

By this letter and for the above reasons, I am also requesting a contested case hearing on Montgomery Landfill Solutions' MSW Permit 2324.

Sincerely,

Signature: Dan Heil

Name: Daniel Heil

Address: 18953 Oak Ridge Dr, Cleveland, TX 77328

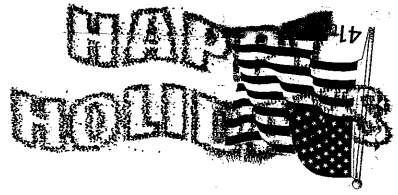
Phone: 281 592 3510

MW

HEIL
18953 OAKRIDGE DR
CLEVELAND, TX 77328

N HOUSTON TX 773

24 DEC 2007 PM 6 T



MS. LADONNA CASTANUELA, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC105 - P O BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
DEC 27 2007
TCEQ MAIL CENTER
RB

78711+3087

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 27 PM 2:30
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Dan Heil
Signature

Daniel Heil
Printed Name and Address

18953 Oakridge Dr.
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

December 12, 2007

MSW 37868

OPA H

DEC 27 2007 PM

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 27 AM 11:30

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC105 - P.O. Box 13087
Austin, TX 78711-3087

RE: MONTGOMERY LANDFILL SOLUTIONS (MLS) AMENDED PERMIT APPLICATION MSW #2324

Dear Ms. Castuanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision dated 11/13/2007.

I live less than 1 mile or 0.7 (feet, 0.2, 0.4, 0.6, 0.8 mile) from the proposed landfill site. My family's health, safety, property and tranquil lifestyle will be severely affected if this permit is granted.

1) Traffic and safety – It currently takes me 5 minutes or less to drive from my home to the corner of N. Walker Road and SH 105. Negotiating with the projected 400-600 (800-1,200 round trip) waste vehicles per day, will be unbearable and unsafe. Children, throughout the community, riding their bicycles to the local Zipp store and Dollar General at this intersection will have their lives at stake.

2) Contamination – I am very concerned about the dust and air contaminates that will be emitted from the landfill and the trucks carrying the construction and debris material to the landfill. Additionally, my only source of potable water is my water well. Since the landfill will be 60 feet below the surface with only a clay liner, I am fearful of a break in the liner and subsequent leachate penetration into the acquifers.

3) The community already endures a Type I landfill (Security Waste Management), just 1.6 miles from the proposed MLS landfill. They recently received approval from TCEQ to expand their facility and accept waste (including C&D) for the next 30 years.

4) During the past three years, the Midway community has grown significantly. If this landfill is allowed, it will thwart this growth and decrease our property value.

I am requesting another public meeting so TCEQ and the Applicant can address these and other community member's concerns.

By this letter and for the above reasons, I am also requesting a contested case hearing on Montgomery Landfill Solutions' MSW Permit 2324.

Sincerely,

Signature: Jess Heil

Name: Jess Heil

Address: 18953 Oak Ridge Dr Cleveland, TX 77328

Phone: 281 593 0278

MW

HEIL
18953 OAKRIDGE DR
CLEVELAND, TX 77328

N HOUSTON TX 773

24 DEC 2007 PM 6 L

HAPPY HOLIDAYS

MS. LADONNA CASTANUELA, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC105 - P O BOX 13087
AUSTIN, TX 78711-3087

RECEIVED
DEC 27 2007
TCEQ MAIL CENTER
RB

78711+3087

MRY
378608

OPA

H

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 32

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home one mile north of the proposed landfill and my address is 17230 Peach Creek Dr. I live near the community of Peach Creek. I use my property for residence and three acres for livestock. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

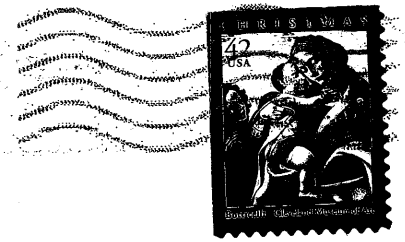
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Sonja Henry

SONJA HENRY
17230 Peach Creek
Conroe TX 77303

HOUSTON TX 772
24 MAR 2009 PM 3 L



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 32

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

DSW 37868

PM 4

OPA
JAN 17 2008
BY DL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN 16 AM 10: 21
CHIEF CLERKS OFFICE

November 19, 2007

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Deborah Heuermann
Address- 11610 Brauder Traylor
Phone- (936) 2604-3743

Distance from proposed site- 1 1/2 Miles

Negative impact to my health, safety and property will be - It will be Smellie + nasty. Creat a lot more traffic problems.

Sincerely

Deborah Heuermann

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 27 AM 10: 03

CHIEF CLERKS OFFICE

HR OPA PM

MAY 27 2004

BY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

VIVIAN R. HICKMAN
Printed Name and Address

18057 DOGWOOD DR
CONROE TX 77303

Vivian R. Hickman
Signature

HOUSTON TX 77
PM
25 MAY
2004

GREETINGS
FROM
Far Far Away

USA

RECEIVED
MAY 27 2004
TCEQ

Office of the Chief Clerk
MC105 TCEQ
P.O. Box 13087
Austin TX 78711-3087

78711+3087

MSW
37828

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

4 OPA

2009 MAR 26 AM 10: 35

BY KY

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home two and a half miles south east of the proposed landfill and my address is 20270 South Geronimo Trail. I live near the community of Security Texas. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

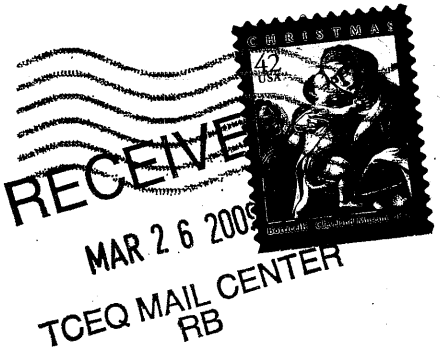
Dallas Hiett

Dallas Hiett

20270 S. Geronimo Trail
Cleveland, Tx 77328

HOUSTON TX 772

24 MAR 2009 PM 1 T



RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711-3087 B012

Date:

PM H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:05
CHIEF CLERKS OFFICE

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.

2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.

3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.

4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.

5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.

6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

OPA
JUN 01 2004

Signature

Tonya Hill
Printed Name and Address

11116 GREENBELT DR.
CLEVELAND, TX 77328

August 09, 2004

PM
H

OPA RECEIVED 37868

AUG 09 2004

AT PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 AUG 11 PM 2:58

CHIEF CLERKS OFFICE

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Judith Horne. I am a resident in the area and I am concerned about:

Water polution - We are dependent on well water for our household and livestock.

Property Value - Property values have dropped due to the "proposal" of another landfill

The "public hearing" was a "farce" - There was ample opportunity to provide a meeting place large enough for the number anticipated -

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Judith Horne
Address: 1150 Lee Turner Rd
City, State, & Zip Cleveland, Tx
Phone:

MSW
378C8

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 AM 11: 30 OPA

CHIEF CLERKS OFFICE

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 2.0 miles northwest of the proposed landfill and my address is 14249 Cedar Lane Loop, Willis, TX 77378. I live near McRae Estates. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

BH

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Barbara Huddleston

Barbara Huddleston

Barbara Huddleston
14249 Cedar Lane Loop
Willis, TX 77378

HOUSTON TX 772
23 MAR 2009 PM 1 L

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 AM 11:30

CHIEF CLERKS OFFICE

RECEIVED
MAR 25 2009
TCEQ MAIL CENTER
AJ

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR -3 AM 10: 38

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that air and water quality will be maintained. I understand that Type IV landfills accept materials contaminated with lead paint and low-level asbestos. Both of these contaminants are proven to be harmful to humans. I am also very concerned that the design of this facility will not assure safe air and water quality with respect to the above cited contaminants and gas by-products such as methane and H2S, also proven to be harmful to humans.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC. The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Amber Hunt
Address- 12421 Brawder Traylor Rd
Phone- 281 788 8281
Distance from proposed site- 5 miles

PM OPA HR
MAR 03 2008
BY DM

Negative impact to my health, safety and property will be - dump trucks on street, water contamination, Negative impact on community

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR -3 AM 10:58
CHIEF CLERKS OFFICE

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR -3 AM 10: 37

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that air and water quality will be maintained. I understand that Type IV landfills accept materials contaminated with lead paint and low-level asbestos. Both of these contaminants are proven to be harmful to humans. I am also very concerned that the design of this facility will not assure safe air and water quality with respect to the above cited contaminants and gas by-products such as methane and H2S, also proven to be harmful to humans.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

MW

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC. The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

PM OPA HR

MAR 03 2008

BY DM

Name- Jimmy Hunt
Address- 12421 Brownder Traylor Rd.
Phone- 832-493-4421
Distance from proposed site- 5 miles

Negative impact to my health, safety and property will be - water well contaminated, dump trucks on street large amount, negative impack on community: we already have a land fried

CHIEF CLERKS OFFICE
2008 MAR -3 AM 10:38
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Mail
378ur

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 24

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.5 miles east of the proposed landfill and my address is 6744 Hidden Acres, Cleveland, TX 77328 . I live in the community of Security/Midway. I use my property for a residence and for farming and I have livestock. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

My water well is 170 ft deep and I am very worried that the liner will not protect my water supply from contaminants from the landfill.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Timothy Huston

Timothy Huston

Tim Huston
6744 Hidden Acres
Cleveland, TX 77328

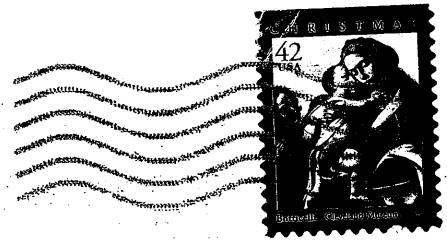
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 24

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 1 T



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

Thornton Ireland
18873 Oakridge Drive
Cleveland, TX 77328
Ph. 281-659-1486

HR OPA RFR

AUG 04 2005

BY

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

MSW 37868

2005 AUG -4 AM 10:14
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 1, 2005,

Dear Ms Castañuela:

I write this letter to you regarding the recent decision by the TCEQ to accept an application by Montgomery Landfill Solutions, L.P. MSW Permit No. 2324. The proposed site is a 500 acre tract on N. Walker Rd. 1.7 miles north of Hwy. 105 in Montgomery County.

This proposed site is 1/2 mile from my residence and as an affected person I am opposed to this landfill receiving a permit from the TCEQ for the following reasons that would adversely affect my family and I.

1. Both my son and I have asthmatic lung conditions and our health would be negatively affected by dust generated by a landfill of several hundred acres so close to where we live.

2. The only water supply we have available is our ground well. The water would invariably be contaminated by run off and saturation from the proposed landfill and would render the water unpotable for human consumption. This would pose an extreme hardship on myself and family in having to purchase and transport water for our personal consumption.

3. The proposed landfill's entrance is located 1.7 miles north of Hwy. 105 on N. Walker Road. This is a narrow winding county road that is the ingress and egress for at least 1,500 citizens. The road is rated at 30,000 lbs. maximum load. The proposed landfill would introduce 640 garbage trucks daily each with a load rating of 80,000lbs. This scenario would constitute an unsafe usage to the residents having to share this stretch of road with such large vehicles. There are several bus stops for school children on this stretch of road and having all those big trucks on it would pose a danger to them.

4. There is already an existing landfill of 800 acres just 1 mile east on Hwy. 105 from this proposed landfill. It receives 640 trucks a day. Opening another landfill on N. Walker road would necessitate an increase of an additional 640 garbage

trucks per day on Hwy. 105. This highway is a major artery used by tens of thousands of people daily but is only a two lane highway. The increased usage of big truck traffic by this proposed landfill would undoubtedly result in more traffic accidents on this already dangerous stretch of highway.

5. There are counties to the west of us that would welcome a landfill. They have even offered to share the costs. These areas are much less populated and pose no serious safety issues.

In conclusion I request a contested case hearing to reconsider the director's decision. The commissioners at the TCEQ should look at all the safety concerns and refuse to permit a landfill on N. Walker Road.

Thornton Ireland

Thornton Ireland
WQA Certified Water Specialist

Thornton Ireland
18873 Oakridge Dr
Cleveland, TX 77328

HOUSTON TX 773
PM
2 AUG
2005

LOVE
2005

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 AUG -4 AM 10:14

CHIEF CLERKS OFFICE

RECEIVED
AUG 04 2005
TCEQ MAIL CENTER

La Donna Castañuela, Chief Clerk
TCEQ, MC-105
P. O. Box 13087
Austin, TX 78711-3087

78711-3087

TCEQ Public Meeting Form

Thursday, April 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:36
CHIEF CLERKS OFFICE

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

PLEASE PRINT:

Name: Thornton Ireland

Address: 18873 Oakridge Dr

City/State: Cleveland, TX Zip: 77328

Phone: (281) 659-1486

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA RECEIVED

2008 APR 15 PM 3: 39

APR 10 2008

CHIEF CLERKS OFFICE

AT PUBLIC MEETING

April 10, 2008

Thornton Ireland
18873 Oakridge Dr
Cleveland, TX 77328

Commissioners and Representatives of the TCEQ, MLS and Montgomery County officials.
Public Meeting at Caney Creek High School 4/10/08

I own and live in a house with my family ¾ mile east of MLS proposed landfill site permit application No. 2324. I think that more study needs to be done before this landfill company is granted a permit that could so adversely affect the environment.

Over the last few years I've noticed Septic Tank trucks on North Walker Road sucking water out of a standing pool in Lawrence Creek. (See attached photos) This is located directly across the road from the proposed landfill site. I saw these trucks every week but I don't know with what frequency they are coming. The photos show a truck from three weeks ago. Why are these trucks removing large amounts of water from a natural public waterway and who is ordering and paying for this? The truck in the photo is a small one. Most of the trucks had a 2,000 gallon capacity. Can the TCEQ investigate this?

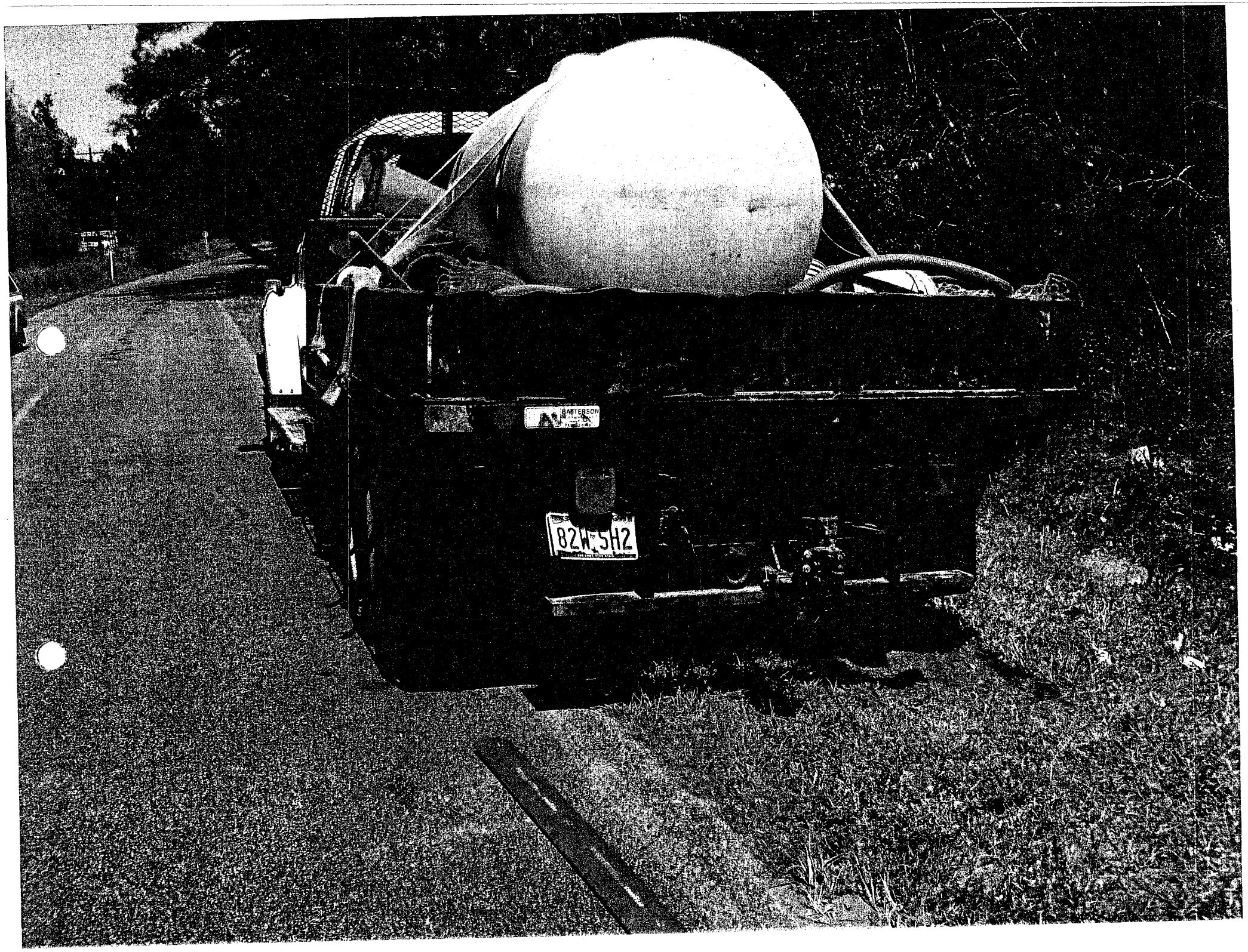
I think it quite possible that MLS may be funding this operation because they are sensitive to polluted water runoff outside their proposed permit property. Thank you for addressing this concern.

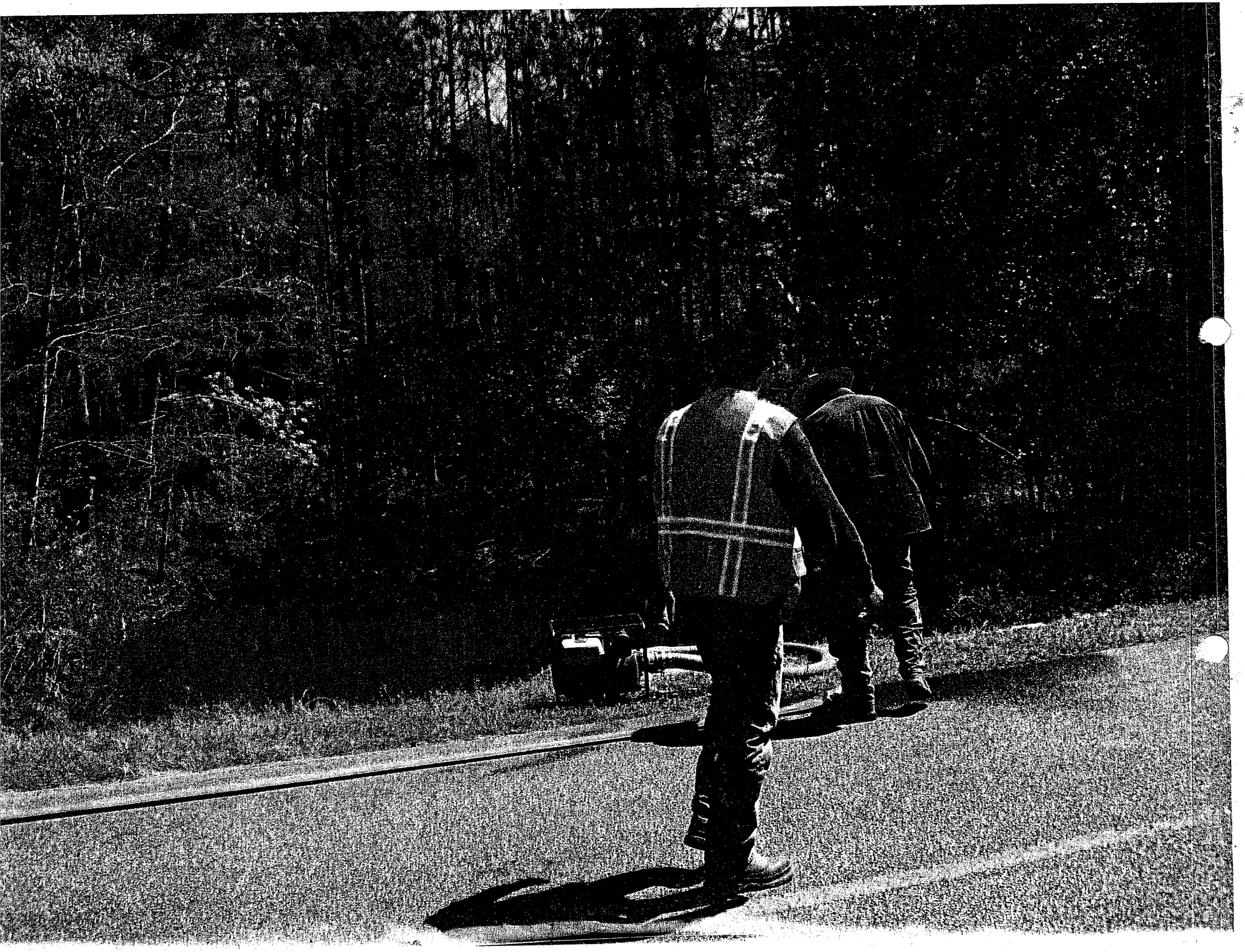
Thornton Ireland

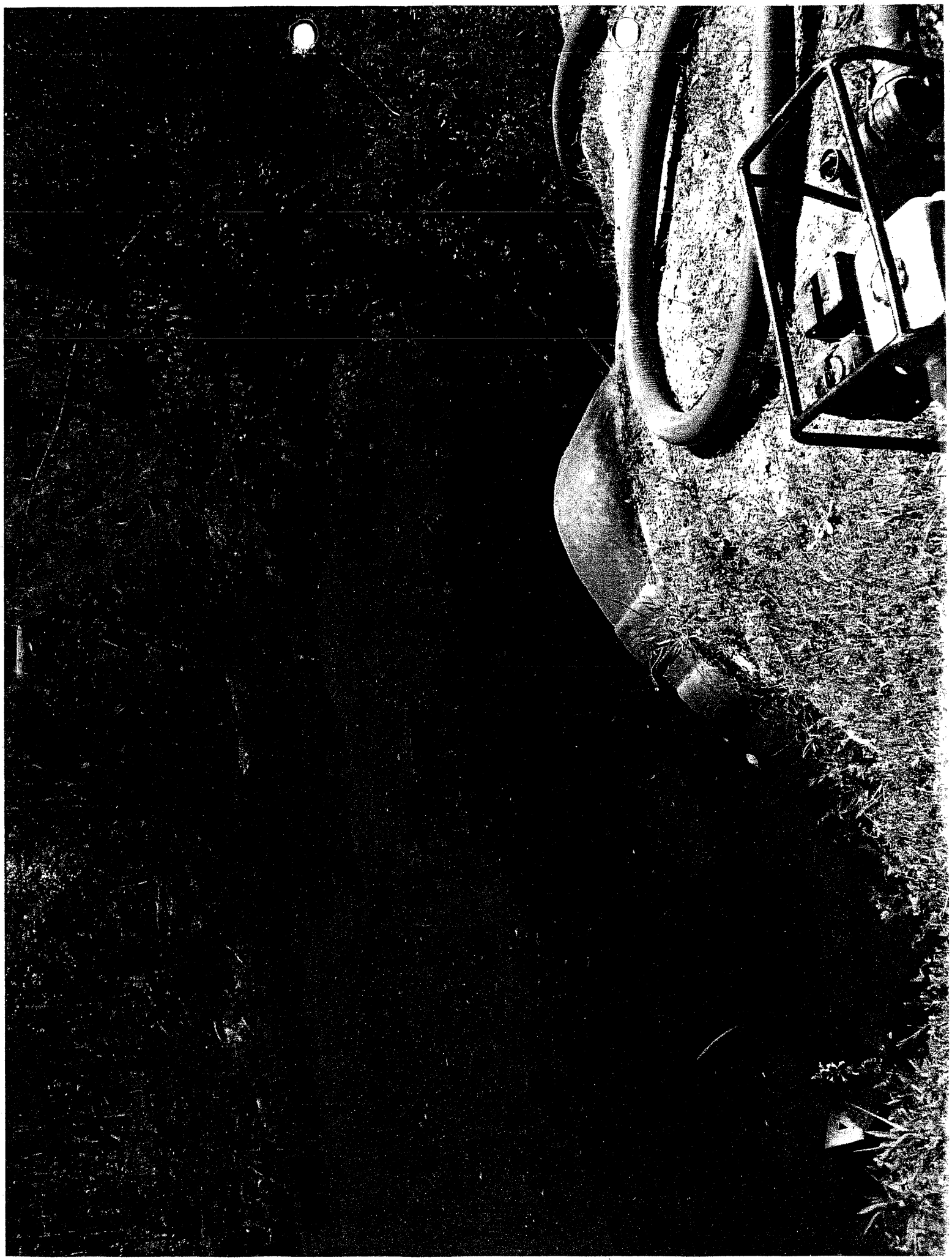
Thornton Ireland

mw

NEC


BATTERSON
82W 5H2





Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM OPA
MAY 27 2004
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 27 AM 9:54
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Thornton E. Ireland Jr
Signature

Thornton E. Ireland Jr
Printed Name and Address

18873 Oakridge Dr.
Cleveland, TX 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSM
378168

OPA

H

BY KZ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 52

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 18670 Parker Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence, gardening and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

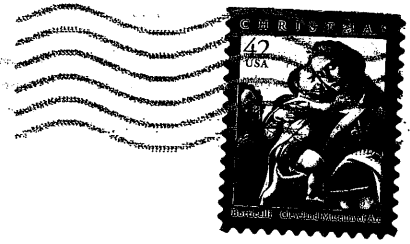
Sincerely,

Bobbie D. Irwin

Bobbie D Irwin

Bobbie D Smith
18670 Parker Rd
Cleveland TX. 77328

HOUSTON TX 772
24 MAR 2009 PM 1 T



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 52
CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711+3087

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:34
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Bobbie D Irwin

Printed Name and Address

BOBBIE D IRWIN

18670 PARKER RD Cleveland TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM H

2004 MAY 28 PM 4: 00
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Tommy JEUSEN
Printed Name and Address

8122 N. WALKER RD
Cleveland TX 77327

OPA
JUN 01 2004

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 29 PM 2:36
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Tommy Jensen
Signature

Tommy Jensen
Printed Name and Address

8122 N-Walker
Cleveland TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

PM OPA HR

MAY 27 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 27 AM 9:54

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Montgomery Landfill Solutions, L. P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit.

1) **Current Landfills in Area:** There is a Type 1, 375-acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, 6 miles to the west, and a proposed transfer station 8 miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development:** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new home sites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic Safety:** The entrance to the proposed landfill on North Walker Road is a two-lane, 21' wide county road, and the only entrance into our community and properties. The lives of school children waiting for their buses will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the floodwaters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1-mile radius of this proposed landfill site have water wells as their only source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U. S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but also serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting and a contested case hearing on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County, Texas.

Sincerely,

Signature

1533 7 Holly LN

Printed Name and Address

Cantoit TX. 77303

Chrispen L. Johnson

Cc: Representative Ruben Hope, Senator Todd Staples, and Senator Tommy Williams

TCEQ Public Meeting Form

13

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3: 33
CHIEF CLERKS OFFICE

PLEASE PRINT: Chrispen

Name: Chrispen Johnson

Address: 11091 Newton Circle

City/State: Conroe Tx. Zip: 77303

Phone: (936) 445-1817

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

mw

MSW
318128

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:43

CHIEF CLERKS OFFICE

OPA

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 1/2 mile of the proposed landfill and my address is 539 Kinsman, Cleveland, TX 77328. I live near the community of Security. I live between both of the landfill sites. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Stanley Johnson

MW
378608

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2009 MAR 24 PM 3: 19

CHIEF CLERKS OFFICE

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 792 N. Walker Road, Cleveland, TX 77328. I live in the community of Security. I use my property for my residence and horses. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

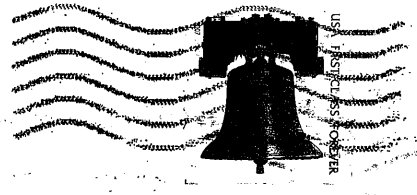
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Laura Jones

Lanea Jones
792 W Walker Road
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 8 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

Date: 4-27-04

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

OPA
MAY 27 2004
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 27 AM 9:56
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

LAURA JONES
Printed Name and Address

792 N. WALKER RD
CLEVELAND, TX. 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
3/18/08

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 40

CHIEF CLERKS OFFICE

OPA

H

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I rent a home within 1 mile of the proposed landfill and my address is 1758 Price Drive, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

RIS

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

RIS

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

RTJ

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

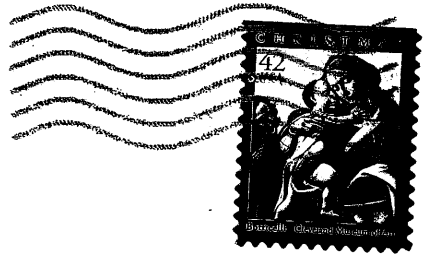
Sincerely,

Ross I. Jones

Ross I. Jones
1758 Price Drive
Cleveland Tex 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 11:41
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 2 T



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CEN7
RB

78711+3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -2 AM 9:57

CHIEF CLERKS OFFICE

PM OPA

H JAN 2008

BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided ade[illegible]te information about groundwater and aquifer [illegible]nditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Seth Jones
Address- 3690 woodpeckers grove Cleveland, TX 77328
Phone- (281) 592-2332

Distance from proposed site- 1/2 mile

Negative impact to my health, safety and property will be - Lots of traffic, more road construction from wear & tear with trucks. Taxes will be raised.

Sincerely

Seth Jones

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Mr 1
3/18/09

OPA

H

BY KJ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 25

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I reside within 1/2 mile of the proposed landfill and my address is 9595 Adcock Acres, Conroe, TX 77328. I live near the community of Cut and Shoot. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

LJ

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

LJ

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Lorena Jungst

Lorena Jungst
9595 Adcock Acres
Conroe, Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 10 T

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 24
CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief - MC 105
TCEQ

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

PM
H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

37686
MSD

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

2004 AUG 11 PM 2:58
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Devin Kaatz. I am a resident in the area and I am concerned about:
the local plan for building another landfill in Montgomery County there is already at least 4 dumps in this area + we would suffer if we got another one.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Devin Kaatz
Address: 1103 S 2nd
City, State, & Zip Conroe tx. 77306
Phone: (936) 231-3239

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PLEASE PRINT:

Name: DEVIN KAATZ

Address: 12732 COON MASSEY

City/State: CONROE TX **Zip:** 77306

Phone: 936 231-3239

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one? PRIVATE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

We have enough refuse!

Please give this to the person at the information table. Thank you.

PM OPA RECEIVED 37686
H AUG 09 2004
AT PUBLIC MEETING

August 09, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:58
CHIEF CLERKS OFFICE

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is MINNIE KAATZ. I am a resident in the area and I am concerned about:

LANDFILLS IN EAST MONTGOMERY COUNTY ARE ENOUGH!!! OUR COUNTY IS PRECIOUS TO US & WE HATE TO SEE IT RAPED WITH THE SURROUNDING AREA'S TRASH & REFUSE.

PLEASE STOP USING MONTGOMERY COUNTY AS YOUR DUMPING GROUND!

I ALSO THINK THE LOCATION FOR THE MEETING WAS POORLY THOUGHT OUT & INSIGNIFICANT FOR THE RESIDENTS OF MONTG COUNTY - GUESS THE FEELINGS OF THE RESIDENTS ARE NOT WHAT THE TCEQ WANTS TO HEAR.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name NORMAN & MINNIE KAATZ
Address: 12732 COON MASSEY
City, State, & Zip CONROE TX 77306
Phone: 936 231-3239

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

2004 AUG 11 PM 5:
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PLEASE PRINT:

Name: MINNIE KAATZ

Address: 12732 COON MASSEY

City/State: CONROE TX **Zip:** 77306

Phone: (936) 231-3239

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one? PRIVATE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

I hate to see beautiful Montgomery County raped by refuse from surrounding areas.

Please give this to the person at the information table. Thank you.

37868
MSW

PM OPA RECEIVED
H AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:58
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is ERNEST KANAK JR. I am a resident in the area and I am concerned about:

1) THE LANDFILL IS BETWEEN TWO FLOOD PLAINS/ FLOODWAYS AND WHILE THE CURRENT PLANS SHOW NO INTRUSION INTO THE FLOOD PLAIN, I NO OF NO FLOODPLAINS IN SOUTHEAST TEXAS BECOMING SMALLER WITH TIME. THE USUAL PATTERN IS LARGER FLOOD PLAINS WHICH WOULD PLACE THE LANDFILL IN THE FLOOD PLAIN.

2) HOW WILL ODOR BE PREVENTED NOW AND 20-30 YEARS IN THE FUTURE?

3) WHAT WILL BE PRESENT AND FUTURE SECURITY TO PREVENT ABUSE.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name ERNEST KANAK JR
Address: 17878 DEER WAY, P.O. BOX 1946, CONROE, TX 77305-1946
City, State, & Zip
Phone: 936-264-1766

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: ERNEST KAVAK JR

Address: P.O. BOX 1946

City/State: CONROE, TX 64 **Zip:** 77305-1946

Phone: (936) 264-1766

☒ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☒ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

(SEE OTHER SIDE)

Please give this to the person at the information table. Thank you.

MY QUESTIONS ARE:

1) ARE YOU AWARE THAT THE SEASONAL GROUNDWATER IN THIS AREA IS 18"?

2) WHO ASSUMES LIABILITY FOR SHALLOW WELL WATER DEGRADATION IF THE LINER FAILS?

~~3) EVERY TIME FEMA~~

3) IN THE PAST WHEN FEMA REVISED FLOOD ZONES, THE FLOOD ZONE EXPANDS. WHAT HAPPENS IF THE LANDFILL BECOMES FLOOD PRONE?

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Dalva Keener

Printed Name and Address

13877 FM 1097 E
Willis TX 77378

OPA
JUN 01 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
08 MAR -3 AM 10: 37
CHIEF CLERKS OFFICE

MSW 37368

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that air and water quality will be maintained. I understand that Type IV landfills accept materials contaminated with lead paint and low-level asbestos. Both of these contaminants are proven to be harmful to humans. I am also very concerned that the design of this facility will not assure safe air and water quality with respect to the above cited contaminants and gas by-products such as methane and H2S, also proven to be harmful to humans.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC. The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Crystal Kelsoe
Address- 12421 Broadtraylor Rd.
Phone- 832-721-0011
Distance from proposed site- 3 miles

PM OPA HR
03
BY

Negative impact to my health, safety and property will be - Large amount of dump trucks on the streets, water supply contamination, smell, children, negative impact on the community.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AR -3 AM 10:38
CLERKS OFFICE

November 19, 2007

37868

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that air and water quality will be maintained. I understand that Type IV landfills accept materials contaminated with lead paint and low-level asbestos. Both of these contaminants are proven to be harmful to humans. I am also very concerned that the design of this facility will not assure safe air and water quality with respect to the above cited contaminants and gas by-products such as methane and H2S, also proven to be harmful to humans.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC. The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

PM OPA
03 HR
BY DM

Name- Eric Kelsoe
Address- 17421 Broadtraylor Rd.
Phone- 832-721-0011
Distance from proposed site- 3 miles

Negative impact to my health, safety and property will be - Larg ammount of dump truck on streets, water supply contamination, smell, children, negative impact on the community.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR 13 AM 10:38
CHIEF CLERKS OFFICE

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:21

CHIEF CLERKS OFFICE

OPA

H

MAR 24 2009

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 0.5 miles from the proposed landfill and my address is 11791 Paddocks Rd, Conroe, TX 77306. I live near Creighton Elementary School. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

JJK

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

JK

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area. I am also very concerned about the impact of over 1,000 additional waste trucks each day on community roadways. I am very concerned that school children and young drivers traveling back and forth to school will be harmed by these trucks. The increase in traffic is a major issue about this landfill.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

JK

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

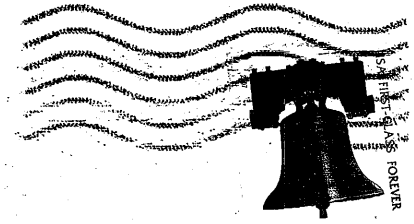
Sincerely

John Kenney

John Kenney
11791 Paddocks Rd
Conroe Tx 77306

HOUSTON TX 772

20 MAR 2009 PM 2 L



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

NSW
378268

From: PUBCOMMENT-OCC2
To: waste
Date: 3/25/2009 2:07 PM
Subject: Re: Fwd: Public comment on Permit Number 2324
Place: PUBCOMMENT-ELD

>>> PUBCOMMENT-OPA 3/23/2009 4:09 PM >>>
H

>>> PUBCOMMENT-OCC 3/23/2009 1:52 PM >>>

= 3/23/2009 1:33 PM >>>

REGULATED ENTY NAMEMONTGOMERY LANDFILL SOLUTIONS
RN NUMBER:RN104006879
PERMIT NUMBER:2324
DOCKET NUMBER:2005-1371-MSW
COUNTY:MONTGOMERY
PRINCIPAL NAME:MONTGOMERY LANDFILL SOLUTIONS LP
CN NUMBER:CN602494320
FROM
NAME: Marilyn Kinney

COMPANY: Walking K Farm
ADDRESS:15348 JODY LN
CONROE TX77303-3920
PHONE:936-264-2550
FAX:
COMMENTS:RE: Montgomery Landfill Solutions Permit #2324 I am opposed to this proposed permit and amendment and hereby request a contested case hearing. I own a home _2.5__ miles from the proposed landfill and my address is 15348 Jody Lane, Conroe, TX. I live near the community of Groceville. I use my property for farming, residence, ranching . I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing: Comment 2 - Alternative Language Notice Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the

mw

majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility. Comment 4 - State and Local Government Involvement Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioners Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill. HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding. Comment 6 General Comments about Process Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ. Comment 7 Environmental Public Defender Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not. Comment 11 Location and Community Need Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties. Comment 13 Ownership Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicants degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved. Comment 15 Land Use Compatibility Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A

facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community. Comment 16 Access and Community Safety Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is a minimum requirement to maintain traffic safety in the area. Comment 24 Floodplain maps Response 24: The applicants estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain and potentially an inadequate design for holding ponds that contain drainage and runoff effluent. Comment 25 Flooding Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site. Comment 26 Liner Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site. Comment 27 Water and Soil Contamination Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. All are at risk due to liner failure. Comment 32 Air Pollution Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree and only becomes more acute as the landfill is built to higher elevation. This is not addressed at all in the permit design. Comment 33 Landfill Gas and Hydrogen Sulfide Generation Response 33: Neither the applicant or TCEQ have not demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard. Comment 39 Property Value and Area Development Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates. Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Directors Response to Comments for MSW permit # 2324. Sincerely, Marilyn Kinney

OPA

PM

FEB 22 2008

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB 22 AM 10: 11

CHIEF CLERKS OFFICE

MSW 37868

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- ED KIRKLAND
Address- 16605 HIGHLINE BLVD
Phone- 936 445 6613 4 MILES
CONROE

Distance from proposed site- 4 MILES

Negative impact to my health, safety and property will be -

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

PM
#

OPA RECEIVED

AUG 09 2004

AT PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 AUG 11 PM 2:58

CHIEF CLERKS OFFICE

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Mary Lou Kirves. I am a resident in the area and I am concerned about:

the development that my partner & I owned. Oakridge Ranch Estates. The proposed landfill is located w/i one mile of our property. These small acreage tracts for residential homes must have both water wells and septic systems. The homeowners/landowners are terrified of the environmental threats the landfill would cause to the area in both short & long ranges. The trucks using N. Walker Rd for their route would be a safety hazard to all residents since this is the only road in & out.
Our business of selling lots has suffered tremendously w/ the news of the proposed landfill. Property values have plummeted in the area. We sold property thru our co. close to the Security Land for $2500 or further west on Hwy 105 (approx. 2 m) w/ sold property for $38,000 as people are cancelling contracts, stop paying & no sales for months now.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Mary Lou Kirves
Address: 12056 FM 830
City, State, & Zip Willis, TX 77318-5544
Phone: 832-256-6330

MSW
378868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 MAR 14 AM 10:10
CHIEF CLERKS OFFICE

TCEQ
P.O. Box 13087
Austin, TX 78711-3087
Office of the Chief Clerk, MC 105

OPA
MAR 14 2005
BY gs # 2324

March 10th, 2005

I am writing this letter in regards to the effect that the proposed landfill has had on our development of Oakridge Ranch. The landfill would be located within one mile of our property. We have been selling small acreage lots for residential homes there since 1999. We originally had approximately 20 families making Oakridge Ranch their home to date. These lots must have both water wells and septic systems installed in order for people to make residences there.

The homeowners of Oakridge Ranch are terrified of the short and long range effects of their water quality from their wells due to the landfill. The issue of their property flooding more than it already has concerns the landowners. They are also very concerned for the safety of their children as they play, ride their bikes and wait for school buses along the proposed route of the trucks coming in and out of the landfill. This is the only road into the community (N. Walker rd.). These people brought their families to this area for clean country living away from the city.

Our business of selling lots has suffered tremendously with the disclosure of the proposed landfill. Our sales are down by 90%. According to law, we must disclose the landfill information and naturally people are not interested in owning property under such circumstances. Property values have plummeted in the area. We sold property through our real estate company close to the Security Landfill and received only $2500/acre. Further west on Hwy 105E (approximately 2 miles), we received $38,000 an acre on a sale of property. A staggering difference in property values and this impacts the community economy in a detrimental way.

On our previous property sales of Oakridge Ranch we have had people asking for their money to be refunded and several have stopped paying their lot payments altogether (10 families). We are almost at a standstill as far as selling lots at this time. The future of selling out these lots appears grim, as long as the word "landfill" is even mentioned in this area.

Mary Lou Kirves Owner/Broker
Oakridge Ranch Estates

Mary Lou Kirves

12056 FM 830
Willis, TX 77318-5544

HOUSTON TX
PM
11 MAR
2005

COMMISSION ON ENVIRONMENTAL QUALITY
2005 MAR 14 AM 10 10
CHIEF CLERKS OFFICE

TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
MAR 14 2005
TCEQ MAIL CENTER

Attn: Office of the Chief Clerk

78711-3087

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Mary Lou Kjirves

Address: 12056 FM 830

City/State: Willis, TX **Zip:** 77318-5544

Phone: (832) 256-6330

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

378868
MSW

OPA

MAR 10 2005

BY

TCEQ
P.O. Box 13087
Austin, TX 78711-3087
Office of the Chief Clerk, MC 105

March 10th, 2005

I am writing this letter in regards to the effect that the proposed landfill has had on our development of Oakridge Ranch. The landfill would be located within one mile of our property. We have been selling small acreage lots for residential homes there since 1999. We originally had approximately 20 families making Oakridge Ranch their home to date. These lots must have both water wells and septic systems installed in order for people to make residences there.

The homeowners of Oakridge Ranch are terrified of the short and long range effects of their water quality from their wells due to the landfill. The issue of their property flooding more than it already has concerns the landowners. They are also very concerned for the safety of their children as they play, ride their bikes and wait for school buses along the proposed route of the trucks coming in and out of the landfill. This is the only road into the community (N. Walker rd.). These people brought their families to this area for clean country living away from the city.

Our business of selling lots has suffered tremendously with the disclosure of the proposed landfill. Our sales are down by 90%. According to law, we must disclose the landfill information and naturally people are not interested in owning property under such circumstances. Property values have plummeted in the area. We sold property through our real estate company close to the Security Landfill and received only $2500/acre. Further west on Hwy 105E (approximately 2 miles), we received $38,000 an acre on a sale of property. A staggering difference in property values and this impacts the community economy in a detrimental way.

On our previous property sales of Oakridge Ranch we have had people asking for their money to be refunded and several have stopped paying their lot payments altogether (10 families). We are almost at a standstill as far as selling lots at this time. The future of selling out these lots appears grim, as long as the word "landfill" is even mentioned in this area.

Mary Lou Kirves Owner/Broker
Oakridge Ranch

27

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:46
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Mary Lou Kirves

Address: 12056 FM 830

City/State: Willis, TX **Zip:** 77318-5544

Phone: (832) 256-6330

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37686

OPA RECEIVED

AUG 09 2004

AT PUBLIC MEETING

2004 AUG 11 PM 2:46

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 9th, 2004

I am here to tell you of the effect that the proposed landfill has had on our development of Oakridge Ranch Estates. The landfill would be located within one mile of our property. We have been selling small acreage lots for residential homes there since 1999. We have about 20 families making Oakridge Ranch Estates their home to date. These lots must have both water wells and septic systems installed in order for people to make residences there.

The homeowners of Oakridge Ranch Estates are terrified of the short and long range effects on their water quality from their wells due to the landfill. They are also very concerned for the safety of their children as they play, ride their bikes and wait for school buses along the proposed route of the trucks coming in and out of the landfill. These people brought their families to this area for clean country living away from the city.

Our business of selling lots has suffered tremendously with the disclosure of the proposed landfill. By law, we must disclose the information and naturally people are not interested in owning property under such circumstances. Property values have plummeted in the area. We sold property through our real estate company close to the Security Landfill and received only $2500/acre. Further west on Hwy 105E (approximately 2 miles), we received $38,000 an acre on a sale of property. A staggering difference in property values and this impacts the community economy in a detrimental way.

On my previous property sales of Oakridge Ranch Estates I have people asking for their money to be refunded and several have stopped paying their lot payments altogether. I am at a standstill as far as selling lots at this time. The future of selling out these lots appears grim, as long as the word "landfill" is even mentioned.

Mary Lou Kirves Owner/Broker
Oakridge Ranch Estates

37868
msw

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING
2004 AUG 9 PM 2:58
CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 9th, 2004

I am here to tell you of the effect that the proposed landfill has had on our development of Oakridge Ranch Estates. The landfill would be located within one mile of our property. We have been selling small acreage lots for residential homes there since 1999. We have about 20 families making Oakridge Ranch Estates their home to date. These lots must have both water wells and septic systems installed in order for people to make residences there.

The homeowners of Oakridge Ranch Estates are terrified of the short and long range effects on their water quality from their wells due to the landfill. They are also very concerned for the safety of their children as they play, ride their bikes and wait for school buses along the proposed route of the trucks coming in and out of the landfill. These people brought their families to this area for clean country living away from the city.

Our business of selling lots has suffered tremendously with the disclosure of the proposed landfill. By law, we must disclose the information and naturally people are not interested in owning property under such circumstances. Property values have plummeted in the area. We sold property through our real estate company close to the Security Landfill and received only $2500/acre. Further west on Hwy 105E (approximately 2 miles), we received $38,000 an acre on a sale of property. A staggering difference in property values and this impacts the community economy in a detrimental way.

On my previous property sales of Oakridge Ranch Estates I have people asking for their money to be refunded and several have stopped paying their lot payments altogether. I am at a standstill as far as selling lots at this time. The future of selling out these lots appears grim, as long as the word "landfill" is even mentioned.

Mary Lou Kirves Owner/Broker
Oakridge Ranch Estates

I was denied access to the meeting upstairs due to over capacity.

Mary Lou Kirves

Kiries

TEXAS

REALTOR® MLS

936.856.2007 off.

Mary Lou Kirves, CBR

Pete Stone, CBR

Jack Spera

REAL ESTATE GROUP

12056 FM 830

Willis, TX 77318-5544

936.856.0418 fax

Cheryl Hayes, CBR

Stan Petkosek

Dan Delk

37868
N&W

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 12 PM 3:01
CHIEF CLERK'S OFFICE

May 7th, 2004
LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Fax Number (512) 239-3311
RE: Montgomery Landfill Solutions, L.P. Proposed Permit No. 2324

OPA
MAY 13 2004
BY [illegible]

Dear Ms. Castanuela,

I am writing you in regards to the effect that the above proposed landfill has had on my development of Oakridge Ranch Estates. The landfill would be located within one mile of my development. I have been selling small acreage lots for residential homes there since 1999. We have about 20 families making Oakridge Ranch Estates their home to date. These lots must have both water wells and septic systems installed in order for people to make residences there. I first learned of the landfill proposal on 1/4/04. It was a great shock to learn of a proposed landfill so close to a residential community of so many families.

The homeowners of Oakridge Ranch Estates are terrified of the short and long range effects on their water quality from their wells due to the landfill. They are also very concerned for the safety of their children as they play, ride their bikes and wait for school buses along the proposed route of the trucks coming in and out of the landfill. These people brought their families to this area for clean country living away from the city.

My business of selling lots has suffered tremendously with the disclosure of the proposed landfill. By law, I must disclose the information and naturally people are not interested in owning property under such circumstances. Property values have plummeted in the area. We sold property through our real estate company close to the Security Landfill and got only $2500/acre. Further away on Hwy 105E, we received $38,000 an acre on a sale of property. A staggering difference and this impacts the community economy in a detrimental way.
On my previous property sales of Oakridge Ranch Estates I have people asking for their money to be refunded and several have stopped paying their lot payments altogether. I am at a standstill as far as selling lots at this time. The future of selling out these lots appears grim, as long as the word landfill is even mentioned.

Sincerely,

Mary Lou Kirves

Mary Lou Kirves, Owner/Broker/Oakridge Ranch Estates

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:36
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, LP. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Mary Lou Kirves
Signature

Mary Lou Kirves
Printed Name and Address

12056 FM 830
Willis, TX 77318

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

NC, J
378608

H OPA

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:09

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 2 miles of the proposed landfill and my address is 20198 Sherwood Drive, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

H. I. K.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

H. J. K

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

H. J. K

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Henry Knight

H. J. K.

Henry Knight
20198 Sherwood Drive
Cleveland Tx 77328

HOUSTON TX 772

23 MAR 2009 PM 2 L

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED

MAR 24 2009

TCEQ MAIL CENTER
RB

78711+3087

37686
MSW

August 09, 2004

PM
4

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:58
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is WAYNE KOCURER. I am a resident in the area and I am concerned about:

The landfill ruining the aquafer and ruining the wells, ~~the air, polluting~~ polluting the air, the smell on the air, run off ruining the streams, traffic making it dangerous for my family and ruining my vehicles. I brought my family here 5 years ago from Pasadena for a better quality of life. Not to bring them to one dump to another. I know the landfill people say they can make it right but I believe they ~~so~~ will say any thing to make money. The legislators need to take into account its citizens needs and not downgrade our quality of life. I know their are more isolated areas for this landfill they just will cost them a little more money. Why should we give up our quality of living for someone else's trash. How would you like to have a landfill at your front door. I also know that this is starting out as a type IV. But what see back

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name WAYNE KOCURER
Address: 1588 N. WALKER Rd
City, State, & Zip Cleveland TX
Phone: 281-799-3273 cell 281 592 1896 Ho.

~~What~~
Is to keep them from coming back year after year to upgrade the permit from I, II, & III? This is a ~~[illegible]~~ ~~[illegible]~~ common operation used by landfills.

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:58
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: WAYNE KOCUREK

Address: 1588 N WALKER RD

City/State: CLEVELAND TX **Zip:** 77328

Phone: (281) 592-1896

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one? Citizen Against Landfill

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: WAYNE E. KOCUREK

Address: 1588 N. WALKER RD

City/State: CLEVELAND TX **Zip:** 77328

Phone: (281) 799-3273

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

I think before any land fill permits are given a up to date population survey of the area. The population along 105 doubled in 2003. Why has this not been put into consideration.

In Spring 2003 Lawrence Creek & Spring branch creek flooded over run there banks and closed 105.

There is a great need to up date the information in this matter before you put this land fill where it don't belong.

Every one knows that the 100 year flood plan is out of date and it is in the process of being up dated. This happend in Houston just last year.

also why does the people have to spend their hard earned money to fight this.

I think the STATE of TEXAS should do its homework and STOP this LANDFILL.

NCN
37808

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

2009 MAR 24 PM 3:08

CHIEF CLERKS OFFICE

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 2 miles of the proposed landfill and my address is 4200 Weir Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and livestock. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I am concerning about my small children's health and the one I'm expecting.

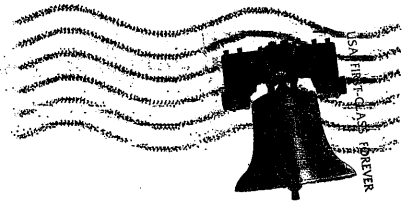
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Sharon Labian

Sharon Labian
4200 Weir Road
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 3 L



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
378608

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:22

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a 6 home miles south of the proposed landfill and my address is 11441 Metts Road. I live near the community of Conroe Texas 77306. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

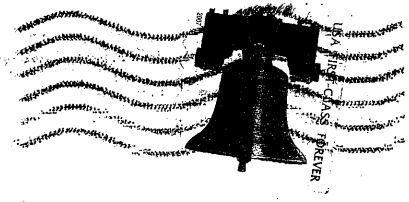
Sincerely

Francine Lafield

Francine Lafield

Francine Lafield
11441 Metts Rd
Conroe Tx 77306

HOUSTON TX 772
20 MAR 2009 PM 5 L



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Stanley Lambert

Signature

STANLEY LAMBERT

Printed Name and Address

844 Kingsman Rd

Cleveland TX 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 5:56
CHIEF CLERKS OFFICE

OPA
JUN 01 2004

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

HOWARD LAUNIUS

Printed Name and Address

17428 FM 1484
CONROE, TX 77303

2004 MAY 28 PM 3:
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OPA
JUN 01 2004

Date:

PM H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 4: 00
CHIEF CLERK'S OFFICE

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Everette Lawson
Signature

Everette Lawson
Printed Name and Address

P.O. Box 398
Oak, Texas 77326

OPA
JUN 01 2004

MCN
378208

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 47

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I rent a home within 10 mile of the proposed landfill and my address is 12565 Robin Lane, Willis, TX 77378. I live near the community of Willis. I use my property for residence. I also am a business owner of Skin Deep at 18363 Hwy. 105E, Bldg. C, Cleveland, TX 77328. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

B.L

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

B.L.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

B. L.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Brice Leverett

Brice Leverett 3-20-09

Brice Leverett
12565 Robin Lane
Willis, Tex 77378

HOUSTON TX 772
24 MAR 2009 PM 2 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 MAR 26 AM 10: 47
CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
37848

OPA

H

BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 47

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 2 miles of the proposed landfill and my address is 2020 White Buck Court, Cleveland, TX 77327. I live near the community of Security. I use my property for a residence and horses. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

EAL

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

S. Ard.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

E.A.L

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Edward A. Lichnerowicz

Edward Lichnerowicz
2020 White Buck Ct.
Cleveland, TX 77327

HOUSTON TX 772
MAR 2009 PM 3 L

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 47

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

PM
H

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

JUN 14 2004

2004 JUN 14 AM 10: 53 BY KG

CHIEF CLERKS OFFICE

37868

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Montgomery Landfill Solutions, L. P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit.

1) **Current Landfills in Area:** There is a Type 1, 375-acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, 6 miles to the west, and a proposed transfer station 8 miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development:** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new home sites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic Safety:** The entrance to the proposed landfill on North Walker Road is a two-lane, 21' wide county road, and the only entrance into our community and properties. The lives of school children waiting for their buses will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the floodwaters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1-mile radius of this proposed landfill site have water wells as their only source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U. S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but also serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting and a contested case hearing on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County, Texas.

Sincerely,

Norma Kay Lord

Signature

Printed Name and Address

Norma Kay Lord
34 Palmer Crest Ct Woodlands, TX 77381

Cc: Representative Ruben Hope, Senator Todd Staples, and Senator Tommy Williams

MCM
3/18/09

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 25

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 6 miles southwest of the proposed landfill and my address is 1214 Roy Harris Loop, Conroe, 77306. I live near the community of Cut and Shoot. I use my property for a residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

My water well is 24 ft deep and I get clean clear water from this well. I am very concerned that the liner will not protect underlying groundwater especially as the base of the landfill is 60 ft deep which is deeper than my well.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

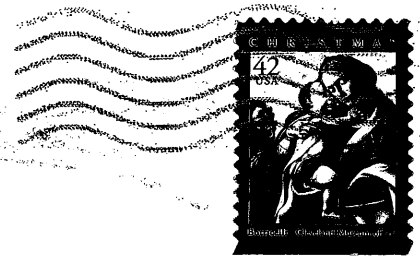
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

David Lounder

David R Lounder JR
12714 Roy Harris
Loop Conroe TX 77306

HOUSTON TX 772
24 MAR 2009 PM 10 T



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 25
CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711+3087

PM OPA
H FEB 25 2008
BY _____ 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 FEB 22 AM 10: 10
CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

mw

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Florabel Lovell
Address- 10578 Fawn Mist Dr
Phone- 9362642499

Distance from proposed site- 11 miles

Negative impact to my health, safety and property will be - fumes, danger to wildlife traffic, danger to children, front to a proposed park a Joke

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

OPA
FEB 22 2008
BY EB
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 FEB 22 AM 10: 11
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- James Lovell
Address- 10578 Jacquist Dr. Conroe Tx
Phone- 936 264 2499

Distance from proposed site- 7 miles

Negative impact to my health, safety and property will be - breathing my lungs Effected animal life effected

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NSW
378108

OPA

4

BY KG

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:40

CHIEF CLERKS OFFICE

uVia facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.7 miles south of the proposed landfill and my property is located along West Fork Spring Branch Creek. My address is 18085 Old Hwy 105, Cleveland TX, 77328. I live near the community of Security/Midway. I use my property for a residence and vegetable gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain

My property is adjacent to W Fork Spring Branch and it often floods. The flood waters often flood my property and the water usually comes to my front step and it covers my water well site. A flood in 1999 put water in my house. I have lived on this property since 1989 and the creek has flooded at least three times during that time. I am very concerned that any flood event will cause contaminated surface water coming from the landfill to flood onto my property

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Christine Ludwig

Christine Ludwig

Christine Lindsey
18085 Old Hwy 108
Cleveland, Tex. 77328

UNITED STATES POSTAL SERVICE

78753

U.S. POSTAGE
PAID
CONROE, TX
77301
MAR 23, '09
AMOUNT
$0.42
00013941-04

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

RECEIVED
MAR 25 2009
TCEQ MAIL CENTER
JH

78753$1808 C015

37868
MSW

August 09, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PM
H

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

2004 AUG 11 PM 2:59
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Christene Ludwig. I am a resident in the area and I am concerned about:

I have lived in the Midway Area All my life. I live at the present At 18085 Old Hwy 105. My
My Concerns Are About the flooding in my Area. The Spring Creek that comes through the property that you want to put a Landfill on, also comes close to my property. When it rain heavy up North or we have a heavy rain my property floods. Therefore my well water will be in jeodary along with other families in our Area.
I Also have concerns About the traffic coming in and out of Walker Rd. We All have small children. We are concern About their Safety.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Christene Ludwig
Address: 18085 Old Hwy 105
City, State, & Zip Cleveland, TX 77328
Phone: 281-592-2555

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:59
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Christine Ludwig

Address: 18085 Old Hwy 105

City/State: Cleveland, TX **Zip:** 77328

Phone: (281) 592-2555

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

TCEQ Public Meeting Form

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:35
CHIEF CLERKS OFFICE

OPA RECEIVED
APR 10 2008
AT PUBLIC MEETING

PLEASE PRINT:

Name: Christene Ludwig

Address: 18085 Old Hwy 105

City/State: Cleveland, TX Zip: 77328

Phone: (281) 592-2535

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

(over)

Please give this to the person at the information table. Thank you.

I live 2 miles south of the opposed site. Spring Branch Creek runs right beside my house. When it comes a major rain my home gets flooded. Also it takes forever to get out onto 105 as it is. We will never be able to get out onto 105 with all the trucks.

Christine Fudway

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:38
CHIEF CLERKS OFFICE

MW

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 27 PM 2:37
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, LP. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Christene Ludwig
Signature

Christene Ludwig
Printed Name and Address

18085 Old Hwy 105
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

KWM
378108

OPA

H

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:30

CHIEF CLERKS OFFICE

uVia facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.7 miles south of the proposed landfill and my property is located along West Fork Spring Branch Creek. My address is 18085 Old Hwy 105, Cleveland TX, 77328. I live near the community of Security/Midway. I use my property for a residence and vegetable gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain

My property is adjacent to W Fork Spring Branch and it often floods. The flood waters often flood my property and the water usually comes to my front step and it covers my water well site. A flood in 1999 put water in my house. I have lived on this property since 1989 and the creek has flooded at least three times during that time. I am very concerned that any flood event will cause contaminated surface water coming from the landfill to flood onto my property

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

David Ludwig

Daniel Ludwig
18085 Old Hwy 105
Cleveland, TX 77328

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

UNITED STATES POSTAL SERVICE

0000

78753

U.S. POSTAGE
PAID
CONROE, TX
77301
MAR 23, '09
AMOUNT
$0.42
00013941-04

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

MSW 37868 PM OPA
H JAN 07 2008
BY

November 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10: 52
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- David H Ludwig Jr.
Address- 18083 Old Hwy 105
Phone- Cleveland, TX 77328

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - Traffic on 105 + Walker Rd.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
378108

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 29

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

H OPA

March 21, 2009 BY KY

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 20000 Meadow Lake Road, Cleveland, TX 77328. I live near the community of Security. I use my property for a residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

CWR

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

CWR

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

CWR

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely, Charles W. Lyle

Charles Wade Lyle

Charles Wade Lyle
20000 Meadow Lake Rd.
Cleveland Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 3 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 29

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37368

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

2008 JAN 24 AM 10: 14

CHIEF CLERKS OFFICE

OPA

pm H JAN 24 2008 BY BP

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MSW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- CHARLES W. LYLE
Address- 20000 MEADOW LAKE RD CLEVELAND TX 77328
Phone- 281-389-3328

Distance from proposed site- 1.5 MILES

Negative impact to my health, safety and property will be -

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

August 31, 2005

RE Montgomery Landfill Solutions L.P.
MSW permit no 2324

Donnie Mappett - 8876 N. Walker Rd Cleveland, Texas
77328 - ph - 281-592-7544

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 AUG 31 AM 10:32
CHIEF CLERKS OFFICE
OPA
AUG 0 8 2005
BY

Requesting a contested hearing
location of my residence from landfill site 1/2 mile

I am concerned about pollution which will be detrimental to health (air and water)

MSW/37868

I am concerned about the value of property since we are retired and had hoped eventually the sale of property would generate enough capital to pay for nursing home care. There is no question it will be sorely affected. If I were buying property or a home I would not even consider near a landfill, no one else would either.

I am concerned about the number of trucks on Walker Rd. This area is so populated that the road is already like "Grand Central Station".

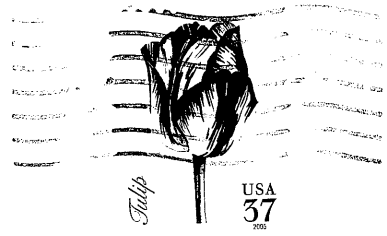
Why would a company of this nature want to put a landfill in the middle of such a populated area when there is so much unpopulated land available?

I implore you to think of the lives that will be affected by this landfill. Thank you

Nonnie Mappett
8876 N. Walker Rd
Cleveland Texas
77328

5 AUG 2005

RECEIVED
AUG 08 2005
TCEQ MAIL CENTER



LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

August 3rd, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 AUG -8 AM 10: 32
CHIEF CLERKS OFFICE

RE Montgomery Landfill Solutions L.P.
MSW permit 2324

Ronald Mappett - 8876 N. Walker Rd - Cleveland, Texas
77328 - ph - 281-592-7544

H OPA
AUG 0 8 2005
BY

MSW 37868

Requesting a contested hearing
location of my residence from landfill - 1/2 mile

Concerns,
1. pollution which will affect health (air and water)
2. value of property - who would consider buying property or home near a landfill site - we worked hard for what we have - clearing (by hand) our land etc to build home - It won't have much value when landfill goes in and we are retired and need the money for nursing home care - (Medicare doesn't pay for that)
3. number of trucks and children waiting for school buses - road already has almost as much traffic as city because their is a heavily populated area and still growing -

please think of the family's that will be affected by this landfill - pollution, (health) property values, safety -
This company has enough money to purchase land in an unpopulated area - please consider -

Thank you -

Ronald Maggott
8876 N. Walker Rd
Cleveland, Texas
77328

5 AUG 2005

RECEIVED

AUG 08 2005

TCEQ MAIL CENTER

USA 37

La Donna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

32868
MXD

OPA RECEIVED

AUG 09 2004

AT PUBLIC MEETING

2004 AUG 11 PM 2:45
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 8, 2004

From: Ronald D. Maffett
8876 N. Walker Rd
Cleveland, TX. 77328.

To: MCS Permit 2324 T.C.E.Q.

After being selected one of the outstanding Educators in the Southwest and receiving a scholarship at Northwestern State University, I received a small stipend. I used this money to purchase four acres on North walker road three miles North of Highway 105 in 1968. I was teaching school and living in North Houston, which was an easy drive to the property. With teachers pay so low it was the ideal place to spend weekends and summers with five preteen and teenage children. My wife, children and myself cleared the land, built barns and a house. We also started an orchard, planted a garden and had an Avery for chickens, ducks and turkeys.
The children were immensely proud of their contribution to these projects and later in life our daughter, Debra Sue Maffett, Miss America 1983 was on the Johnny Carson and Dave Letterman shows talking about how she helped clear the land and build the family home. Most Miss Americas traditionally spend five minutes with the United States President. President Reagan found Debra so interesting they talked for over an hour. It seemed he was interested to hear about this girl from Cut-n-Shoot Texas who had helped her family clear the land and build their home.
My oldest daughter, Sherrie was in naval intelligence, taught physics at Sam Houston University and was in charge of the educational programs at the Super conductor collider program at Waxahachie, Texas. She was on national TV discussing the super conductor/collider with then president, George Bush Senior. Three weeks later Debra Sue had started a law enforcement educational program in Dallas Texas and was also on national TV discussing her program with him. I am sure he learned a lot about Cut-n-Shoot, TX. And their efforts at clearing land and building a house.
In 1975 I received a Moody Foundation grant to try the innovative teaching program I had developed at a small school. I elected to try it at New Caney TX, which was close to our acreage on N. Walker Rd. We moved from Houston to our acreage and I taught four more years, which finished my twenty-five years needed for retirement.
My teachers retirement and social security is not enough to cover my living expenses and even though I am well past seventy, I am forced to work to make ends meet. My wife and myself had hoped our land value with its improvements would cover the cost of assisted living or a nursing home one-day.
If this dump is allowed to exist one half mile from my house and even closer to other retirees who need to keep their property value up to finish out their life it would be sinful. It would also be stupid to place a dump between two creeks. I have personally seen flood waters so high they joined each other. I am sure that everytime this happens every thing in the dump will end up in Lake Houston. You don't have to be a rocket scientist to look at the map and see this problem.
Should this dump receive a permit and be placed in our front yard a lot of effort will be given to following the money trail of how this joke got to be a reality. Some one should do the math on how many school buses and dump trucks can share the miles of a small road, which leads to the dump entrance.
I have faith in the powers that be and feel they will prevent this dump from being placed in the middle of our growing neighborhood. There is another dump on the main highway less then a mile away, which has recently announced an expansion to their facilities making it useful for another ten years.

Ron Maffett

Ron Maffett

(187)

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:42
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: RONALD MAFFETT

Address: 8876 N. WALKER RD

City/State: CLEVELAND TX **Zip:** 77328

Phone: 281 ( ) 592-7544

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:39
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Ronald Maffett

Printed Name and Address

8876 N. Walker Rd
Cleveland TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

KW

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:
CHIEF CLERK'S OFFICE

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Nonnie Maffett
Signature

NONNIE MAFFETT
Printed Name and Address

8876 N. WALKER RD
CLEVELAND TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

KW

37868

PM
H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:59
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Susana Magaña. I am a resident in the area and I am concerned about:

the proposed landfill. I would like to express concern. I donot agree with having the landfill come to my area. My community along we are opose the landfill. Deerwood subdivision is very close to the proposed site. We as a community are just begin to grow. We are all uniting together to build a community center for our area. We are trying to make our community a more positive & cleaner place to live for our children. We've had neighborhood trash pick up day where our children have participated. This has inspired them to help the community. The landfill will only disencourge them.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely, Susana Magaña

Name 7514 Susana Magaña
Address: 7514 White Oak Orch.
City, State, & Zip Conroe TX. 77306
Phone: 936-520-9575

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:
CHIEF CLERKS OFFICE
OPA RECEIVED
AUG 09 2004

AT PUBLIC MEETING

PLEASE PRINT:

Name: Susana Magana

Address: 17514 white Oak Orchard

City/State: Conroe **Zip:** 77306

Phone: (936) 520-9575

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? Deerwood Community Center

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

* My group could not listen on in the meeting becouse it was too full

1 DW
3-18-08

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

2009 MAR 24 PM 3:26

BY KY

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.5 miles northwest of the proposed landfill and my address is 15467 Jody Lane, Conroe, TX 77303. I live in Cut & Shoot. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

JGMT

MW

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

JGMT

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324. I am very concerned about groundwater pollution and the long term impact to the health and safety of my family, especially for my children Jason Marcus and Jose A. Marquez

Sincerely

Jose Quadalupe Marquez

Jose Marquez
15467 Tody Lane
Conroe, Tx 77303

HOUSTON TX 772
23 MAR 2009 PM 3 L

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

Mi.M
378608

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 25

CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 1/4 miles of the proposed landfill and my address is 20122 Meadow Lake Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and gardening. I also own a business, C-N-S Machine and Fabrication on 16384 Hwy 105E, Conroe, TX 77304. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Robert B. Martin

Robert B. Martin

Robert B. Martin
20122 meadowLake Rd.
Cleveland, TX 77328

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 25

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 10 T

RECEIVED

MAR 2 6 2009

TCEQ MAIL CENTER
RB

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711+3087

MSW 37868

PM H

OPA

JAN 17 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 21

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Mark Matheny
Address- 8396 Adcock Acres, Conroe 77303
Phone- 936 264 2655

Distance from proposed site- 1 mile

Negative impact to my health, safety and property will be traffic back up on HWY 105 - (2 lanes)

Sincerely Mark Matheny

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

L LAZY J RANCH

JOHN & LEAH SMITH
15787 MILLER ROAD
CONROE, TEXAS 77303

N HOUSTON TX 773

14 JAN 2008 PM 1 T

MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
JAN 16 2008
TCEQ MAIL CENTER
RB

78711+3087

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM

2004 APR 29 PM 4:13
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Mark Matheny
Printed Name and Address

8396 Adcock Acres
Conroe TX 77303

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2005 SEP -1 AM 10: 10

CHIEF CLERKS OFFICE

August 29, 2005

MSW 37868

La Donna Castanuela, Chief Clerk,

I would like to request reconsideration in the Montgomery Landfill Solutions Permit No. 2324.

According to the article written by Robert D. Walker, in the mid 1980's, the city of Willis protested a landfill and was denied after the group hired a lawyer and also paid to core the proposed site. I'm including an article from the Conroe Courier written by the Engineer that testified at the Willis hearing.

I would also like let you know that there is barely enough room for a car and a garbage truck on Walker road. Several times I have had to pull to the edge of the road to allow the garbage truck to pass. The sides of Walker road are elevated and if someone was forced off the road, such as one of the many school buses that travel Walker Road someone will be hurt, possibly a child. The speed limit is 35 mph but even at that speed an accident is waiting to happen with the large number of garbage trucks this landfill will bring.

Thank You

Patsy Matthews
4990 Greenwood Drive
Cleveland, Texas, 77328
Home # 281- 592-2140

Patsy Matthews

OPA RFR

SEP 01 2005

BY Jr

There's a reason landfill should be rejected

To the Editor:

In the mid-1980's, the city of Willis permitted a landfill site approximately seven miles east of town on County line Road. The engineering study had been made and permits submitted to the state for approval. At this time, a group was formed to protest. I was a member of this group, and I am also a geologist with, at the time, approximately thirty years of experience. The group raised money to hire a lawyer and also to core the proposed site. The permeability measurements did not agree with those reported in the engineering study. The measurements we obtained were far in excess of those allowed by state regulations. Subsequently, I testified at hearing before the Texas Department of Health and the permit was denied.

The proposed landfill was located on the outcrop of the Willis formation. The Willis formation is exposed at the surface from the Sabine River to the Rio Grand in Texas. The city of Conroe as well as Willis are situated on the outcrop.

Now, twenty years later, another landfill is is in the process of being permitted in the same formation. At Walker Road, the southern limit of exposure of the Willis formation is just south of Texas 105. The northern limit is well into San Jacinto County. Although I have not read the engineering report in this case, unless the Willis formation drastically changes physical characteristics between the Willis site and the Walker Road site, there would appear to be a reason for not allowing this location to be permitted.

From a geological standpoint, I really don't understand why this site is even being considered. Possibly political?

Robert D. Walker
Conroe

Letters to the editor

Letters should be no more than 300 words. Letters should be sent via e-mail to **letters@mail.hcnonline.net**, fax at **(936) 756-6729** or mail at Letters to the editor, **The Courier, P.O. Box 609, Conroe TX 77305-0609**. All letters must include writer's name, address and telephone number.

Patsy Matthews
4990 Greenwood Dr
Cleveland Texas
77328

HOUSTON TX 773
PM
30 AUG
2005

USA

Chief Clerks Office MC105
Texas Commision on
Environmental Quality
PO Box 13087
Austin, TX 78711-3087

RECEIVED
SEP 01 2005
TCEQ MAIL CENTER

78711-3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 15 AM 10:08
CHIEF CLERKS OFFICE

April 2, 2004

TECQ Staff,

This is my letter to you, asking you to consider the people living on or near Walker Rd when making your decision about the proposed permit for a landfill in our neighborhood.

Walker Rd is the main entrance to our neighborhood and the proposed landfill entrance is on Walker Rd. That means every day when leaving for work or coming home after work we will pass the landfill. Walker Rd is a very narrow road, big enough for two cars but would be a tight fit for a school bus and a garbage truck.

We're not new to this area, we moved here in 1981, raised two children and now our two Grandkids are growing up on the same property. If this dump goes in we will have to move. People are now putting their homes up for sale trying to sell before this thing goes in and drops the value of their property.

I'm asking for you to deny this permit and allow the neighborhood remain a neighborhood and not a dumping ground. We have a landfill on Hwy 105, not far from our home. One dump in the area should be enough.

Also the little Red Headed Cockaded Woodpecker lives in this area. They fly around the area and land on the trees on our property hammering on the trees. They also need somewhere to live. See attached copy of emails received from Texas Wildlife Diversity Branch of Texas Parks and Wildlife.

Thank you - Patsy Matthews LVN

Patsy Matthews LVN
4990 Greewood Drive
Cleveland, Texas 77327
281-592-2140

MSW # 2324

OPA
APR 15 2004
BY gs

Patsy Matthews MSW # 2324

From: Mark Klym [Mark.Klym@tpwd.state.tx.us]
Sent: Monday, March 01, 2004 7:22 AM
To: 'Patsy Matthews'
Subject: RE: WWW comments about Wildlife (Forms submission)

Any work of that nature would require certain permitting which would require some environmental impact studies. We do not regulate these, the corps of Engineers does. As long as the permits are in place and the studies have been done, the landowner (rightfully so in my mind) has the right to use his land.

Mark Klym
Information Specialist
Wildlife Diversity Branch
Texas Parks and Wildlife
mark.klym@tpwd.state.tx.us <mailto:mark.klym@tpwd.state.tx.us>

-----Original Message-----
From: Patsy Matthews [mailto:patsymatthews@ev1.net]
Sent: Saturday, February 28, 2004 9:30 PM
To: 'Mark Klym'
Subject: RE: WWW comments about Wildlife (Forms submission)

Thanks for the booklet. I've noticed a large portion of land is having the timber cut from it in our area. Rumor is a huge landfill is being built there. I wonder what a landfill would do to the habitat of this endangered bird.

Thanks again
Patsy Matthews

-----Original Message-----
From: Mark Klym [mailto:Mark.Klym@tpwd.state.tx.us]
Sent: Tuesday, February 24, 2004 8:01 AM
To: 'Patsy Matthews'
Subject: RE: WWW comments about Wildlife (Forms submission)

Send me a mailing address and I will send our booklet "The Endangered Red-cockaded Woodpecker and Modern Forestry in Texas" It talks about the most numerous sites for them. There is no centralized recording of "documented sightings".

Mark Klym
Information Specialist
Wildlife Diversity Branch
Texas Parks and Wildlife
mark.klym@tpwd.state.tx.us <mailto:mark.klym@tpwd.state.tx.us>

-----Original Message-----
From: Patsy Matthews [mailto:[redacted]
Sent: Monday, February 23, 2004 5:52 PM
To: 'nature'
Subject: RE: WWW comments about Wildlife (Forms submission)

Do you know where I can find documented sightings of them, in this area? I'm trying to write a paper and need resources to finish my paper.

Thanks
Patsy Matthews

-----Original Message-----
From: nature [mailto:nature@tpwd.state.tx.us]

MSW # 2324

Sent: Sunday, February 22, 2004 12:22 PM
To: '[redacted] '
Subject: RE: WWW comments about Wildlife (Forms submission)

That area is where most birders go to look for the Red-cockaded Woodpecker.

-----Original Message-----
From: [redacted]
Sent: 2/20/2004 6:03 AM
Subject: WWW comments about Wildlife (Forms submission)

Patsy Matthews (patsymatthews@EV1.net) sent the following comment about Texas Web
Category: Wildlife

I live in a small community between Conroe Texas and Cleveland Texas, 2 miles off HWY 105, Security Texas.

I saw an endangerd Red Cockaded Woodpecker in one of our trees. Do you have any documentation of this bird being located in this area? We have several big pine trees on our property and I read they survive in pine trees. Any information of these birds living in this area would be appreciated.

Thank You- Patsy Matthews

Server protocol: HTTP/1.0
Referring page: http://www.tpwd.state.tx.us/nature/wild/birds/txchecklist/woodpecker.htm
Remote host:
Remote IP address: 216.12.192.75
Browser type: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; .NET CLR 1.0.3705)

Patsy J. Matthews
4990 Greenwood Drive
Cleveland Texas
77328

N. HOUSTON TX 77
PM
13 APR
2004

GREETINGS
FROM
Far Far Away
USA

RECEIVED
APR 15 2004
TCEQ

LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TEXAS 78711-3087

78711-3087

PM
M

OPA RECEIVED

AUG 09 2004

AT PUBLIC MEETING

2004 AUG 11 PM 2:59
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Steven Matthews. I am a resident in the area and I am concerned about:

There are a number of concerns I would like to state. First, the increase in traffic, "heavy machinery" & dump trucks" in this area would certainly affect our roads, traffic, and noise & pollution. Beyond that, after reviewing the topographical map, I can't ~~[illegible]~~ whether the environmental hazards this dump will concur. When you build a dump, you dig first. How do you dig into a swamp. It's ridiculous to put in jeopardy not only our local area but the potential to affect countless people. ~~[illegible]~~ My third concern would be the size of this dump. ~~[illegible]~~ As I far as know, it will be servicing multiple counties. We are not going to be the dumping grounds for everyone. WASTE MANAGEMENT is a corporation who has been known to throw its "corporate" weight around to develope a dump without thorough environmental and ecological ~~[illegible]~~ and residential research.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Steven Matthews
Address: 15209 McKae Lake
City, State, & Zip Conroe TX 77303
Phone: 936 445-2655

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 AM 2:59
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Steven Matthews

Address: 15209 McRae Lake

City/State: Conroe TX **Zip:** 77303

Phone: (936) 445-2055

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

1 ISW
378208

Via facsimile: (512) 239-3311
and surface mail

H

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:09

CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.5 miles from the proposed landfill and my address is 16570 FM 1484, Conroe, TX 77303. I live in Cut & Shoot. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

L.M.

MW

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Fan Fr.
L.M.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

James A and Lori Mattox

James Mattox
16570 FM 1484
Conroe Tx 77303

HOUSTON TX 772
23 MAR 2009 PM 2 L

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

37863
MSW

2547 North Walker Road

Cleveland, Texas 77328

OPA MFR
MAR 10 2005
BY

To whom it may concern,

I have owned my property since 1965 but it was in my family since the early 1900's. I have always loved the area and felt safe here. But now I do not feel like my family can still be safe here.

We already have two landfills within a 10 mile radius of my home. I feel that it is totally unfair for the county to add another landfill to this area. Most especially right in my backyard so to speak. The proposed one now being discussed is within a half mile north of my property.

We all know that a landfill means very heavy traffic

and trash all over the roads, making for dangerous road conditions, especially in the winter and rainy times. There are many children living in the area and they have to stand on the side of the road waiting for school busses to pick them up and to let them off. (Thereby making for very serious conditions for the children).

There is already a flooding problem in the area and a landfill will increase the chances of worsen conditions.

The roads, especially N. Walker Road is already a dangerous curvy 2 lane road and adding heavy equipment to the already troubled traffic problems would surely add to the problems.

The likelihood that hazardous materials will sooner or later be placed there is something that we do not want to

happen. Beside contaminating the surface water it will certainly be a factor in also polluting our drinking waters is not a thing that we can live with.

I ask that you please take these things into consideration and will reconsider this location. I think that you could find a better place to put the new landfill than in the North Walker area.

Thank You

Barbara Mayeux

P.S. My house sits in the a curve on walker Rd, I can not keep a fence up because of cars running through it. My neighbor across the road has the same problem. I already fear for my grandchildren already. What will happen if the trucks come in?

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Barbara Mayeux

Address: 2547 N. Walker Rd.

City/State: Cleveland, Tex Zip: 77327

Phone: (936) 524-9094

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? Resident living within ½ mile of land fill

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37868

PM
H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:59
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is BARBARA MAYEUX. I am a resident in the area and I am concerned about:

I, and/or my family have owned and/or lived on the property and paid taxes for almost a hundred years. I do not feel that it is fair in any way to stick us with 2 landfills. I realize that they have to be somewhere but why 2 in our area. I feel they need to find some other place to put this second one. My land is less than a half mile south of the site chosen. I have a well and I fear for the safety of that well. The well is a shallow well. My house is located in the S curve of Walker Rd. and there is already problems with accidents in that area and added heavy traffic will endanger my grandchildren and my animals.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name BARBARA MAYEUX
Address: 2547 N. WALKER Rd.
City, State, & Zip Cleveland, TEXAS 77328
Phone: 281-432-1864

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:59
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Barbara Mayeux

Address: 12256 Metts Rd

City/State: Conroe, Texas **Zip:** 77306

Phone: (936) 231-2905

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 MAY 28 PM 3:56
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Barbara Mayeux
Signature

BARBARA MAYEUX
Printed Name and Address

2547 N. Walker Rd
Cleveland, TX 77328

OPA
JUN 01 2004

TCEQ Public Meeting Form

Thursday, April 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:34
CHIEF CLERKS OFFICE

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

OPA RECEIVED
APR 10 2008
AT PUBLIC MEETING

PLEASE PRINT:

Name: Barbara Mayeux

Address: 2547 N. WALKER Rd.

City/State: Cleveland, TX. ~~77032~~ Zip: 77328

Phone: (936) 524-9094

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

See attached sheet

Please give this to the person at the information table. Thank you.

I feel very deeply that we in the Walker Rd area are being unfairly treated in the concern of putting a second landfill in our area. If it is truly not a hazard to mankind then why can't it be put in say, Montgomery, or Woodland area. Why must it be in our area. With one landfill already there. It just totally unfair to us.

My family has owned our land in this area for almost a hundred years and I just feel that we are being picked upon.

The trucks on ~~the~~ th 105 are going to cause even more problems for the area 105 is already a very dangerous road and putting all those trucks on the road above & beyond the already heavy traffic is one more reason we do not want the landfill there.

Barbara Mayeux
25477 N. Walker Rd
Cleveland, Texas 77328

OPA RECEIVED
APR 10 2008
AT PUBLIC MEETING

2008 APR 15 PM 3:37
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Montgomery Landfill Solutions, LP
Proposed Permit MSW 2324

MEETING AGENDA

April 10, 2008 - 7:00 pm

- Introduction [7:00 p.m.].....TCEQ
- Identify Elected Officials.....TCEQ
- Presentations.....Applicant & TCEQ

Informal Discussion Period

- Questions & Answers.....Public

Members of the public may ask questions during this time period. TCEQ staff and the Applicant will respond to questions. This time period is for discussion purposes and for obtaining information from TCEQ staff and the Applicant. **Questions and/or comments made during this period will not be considered formal comment, and will not go to the Commissioners. Additionally, no written response will be prepared for comments made during this period.**

Formal Comment Period

- Formal Comments.....Public

During the formal comment period members of the public may voice concerns or comments. **Neither the Applicant nor TCEQ staff will respond during the formal comment period.** A formal, written response will be prepared by the Executive Director on the permit. **The Executive Director will summarize the formal comments and prepare a written response which will be made available to the public upon request.**

Everyone who wishes to comment will have the opportunity to do so, however, we may ask that each commenter limit their time so that everyone will have time to speak.

- Closing Remarks/Adjournment.....TCEQ

Please Note: Written comments may be submitted anytime during the evening.

37686

~~(THIS IS AN EXAMPLE OF A LETTER SUBMITTED)~~

August 09, 2004

PM
H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING
2004 AUG 1 PM 2:46
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

I am a resident in the area and my home is within 1/2 mile from the landfill site. Past generations of my family have lived right here on N. Walker Road since the early 1900's. We had originally owned and sold much of the property on N. Walker Road and in fact my family donated the property to make N. Walker Road. I think I can safely say that we know the area and the land probably better than most. There are many concerns that I have about this particular landfill and all are equally disturbing. These issues are the **water contamination**, the **safety to the residents** and **flooding that will occur.**

First, I should say that our **water** well is only 30' deep, and I know of others that have wells that are only 27' deep. We get our water from the Chicot aquifer where most of the hundreds of later residents draw their water from the Evangeline aquifer that sits just below that. It is my understanding by reviewing the permit that this site will be 227' in height. 160' of that will be above ground. That means that whatever lies below the ground is sitting in my water source, the Chicot aquifer. Not only will those of us drawing from the Chicot be in danger but the ones that draw from the Evangeline will also be at risk since these aquifers have mostly fine sands that separate them. That is unacceptable and just simply irresponsible and insane.

Second is the issue of **safety**, and since our home is right at the second dangerous curve on N. Walker Road I can tell you that my family has witnessed so many wrecks at this place. We have had vehicles run up in our yard so many times that we had to put those wooden poles or barriers to stop them from running up into our house. The large oak tree that once sat on my property at N. Walker Rd and Parker, was hit so many times that it finally died and fell over. We had to cut it up and remove it. This winding road and dangerous S. Curve where they made N. Walker Road branch off at Parker is a very dangerous spot with almost no visibility. It is not due to heavy vegetation as the permit suggest, it is the design of the road with it's many curves.

Finally, there the issue of **flooding** and drainage. In the 1930's, much of the proposed landfill site property and the acreage back to Adcock Acres, Miller Road and up to HWY 105 was used for harvesting timber by the Civilian Conservation Commission, one of Franklin D. Roosevelt's work programs. In fact, Tree Monkey Road is a C.C.C. road and was created for and owned by our Government. This land was planted and replanted for

the timber and Champions Paper had it for many years. Now that much of timber has been stripped off in those wetland areas, the flood plane has changed. This land over time has flooded more and more. It is not unusual for N. Walker Road to have 2-3 foot of water on it at the creek where it turns into Oak Ridge, right at the landfill site entrance. Much of our property is swampland and the ditches almost always are full of water, especially in the winter. During even a moderate rain the mixing of the landfill's contaminated fluids will most assuredly poison these creeks that our family have enjoyed fishing in for decades. We have pictures if you would like to see them. The heavy volume of water without the landfills contribution is already a problem. Pine Road, North Walker Road at Oak Ridge and at least two places on North Walker between there are rendered impassible many times during a year. If the County Engineers and County Commissioners cannot find a place for this standing water to go, or make it go away, then just how does the landfill engineer plan to do? I am certain that they cannot build a retention pond big enough to contain the volume of rain water that we get out here.

2004 AUG 11 PM 3:46
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Gentlemen, I respectfully ask that you do not grant a permit to these irresponsible landfill profiteers who place no value on our communities water, our lives, and our homes.

Thank you for your time and attention. Further, I am requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County.

Respectfully,

Name TRAVIS Mayeux
Address 2547 N. WALKER Rd
Cleveland, TX 77328

cc: Senator-Todd Staples, Senator-Tommy Williams, and Representative-Ruben Hope Jr.
Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart
County Commissioner Pct. 2 Craig Doyal, County Commissioner Pct 1 Mike Meador
County Commissioner Pct. 3 E Change, HGACG Solid Waste Program Manager-Cheryl Mergo

31

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:46
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Travis Mayeux

Address: 2547 N. Walker Rd

City/State: Cleveland TX **Zip:** 77328

Phone: (936) 5259869

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

MSW
318C8

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:40

CHIEF CLERKS OFFICE

OPA

H

BY KM

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home a mile and a half south of the proposed landfill and my address is 4231 Weir Road I live near the community of Cleveland. I use my property for residence and farming. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Jeffery McCaffrey

MSW
3/8/09

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:41

CHIEF CLERKS OFFICE

OPA

H

BY KG

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home a mile and a half south of the proposed landfill and my address is 4231 Weir Road I live near the community of Cleveland. I use my property for residence and farming. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Melissa McCaffrey

MELISSA McCAFFREY
4731 WEIR RD.
CLEVELAND, TX.
77328

USA FIRST-CLASS FOREVER

MS. LA DONNA CASTANUELA
OFFICE OF THE CHIEF CLERK - MC 105
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE
AUSTIN, TX 78753

RECEIVED
MAR 25 2009
TCEQ MAIL CENTER
JH

NSW
37868

H OPA

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 26

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home a mile and a half south of the proposed landfill and my address is 4231 Weir Road I live near the community of Cleveland. I use my property for residence and farming. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Ronald McCaffrey

Ronald McCaffrey
4331 Weir Rd.
Cleveland, Tx.
77328

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10:

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 10 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED

MAR 26 2009

TCEQ MAIL CENTER
RB

78711+3087

MSW
318268

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:42

CHIEF CLERKS OFFICE

OPA

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 328 N. Walker Road, Cleveland, TX 77328. I use my property for my residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Don McCaslin

MSW
378608

H OPA

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 PM 2:53

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 328 N. Walker Road, Cleveland, TX 77328. I use my property for my residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
Maggie McCaslin

Maggie McCaslin
328 N. Walker Rd
Cleveland TX 77328

N HOUSTON TX 773
MAR 2009 PM 1 T

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
MM

USA 42
2008

Ms LaDonna Castañuela
Office of the Chief Clerk MC 105
Texas Commission on Environmental Quality
Austin TX 78753

MSW
378U8

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 PM 2:42

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 328 N. Walker Road, Cleveland, TX 77328. I use my property for my residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

MM

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
Meagan McCaslin
Meagan McCaslin

MSW
318C8

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2009 MAR 25 PM 2:41

CHIEF CLERKS OFFICE

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 328 N. Walker Road, Cleveland, TX 77328. I use my property for my residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
Tricia McCaslin
Tricia McCaslin

MSW 37868 PM H

OPA

JAN 17 2008

BY [illegible]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 19

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- BOB McDANIEL
Address- 5410 DUNLEITH LN
Phone- SPRING TX 77379

Distance from proposed site-

Negative impact to my health, safety and property will be - Horrible - Put it near your property if it is so innocent and has no smell

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

2008 JAN -2 AM 9:58

CHIEF CLERKS OFFICE

PM OPA
H

BY KG

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Terri McDonald
Address- 14860 Rosebud Ln. Conroe Tx 77303
Phone- 936-264-2761

Distance from proposed site-

Negative impact to my health, safety and property will be - I live close, however I work on N. Duck Creek which is listed as alternate route. 600 truck per day.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
378608

4 OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 PM 12: 24
CHIEF CLERKS OFFICE

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home .5 miles east of the proposed landfill and my address is 5076 Greenwood Drive. I live in the community of Midway. I use my property for residence, livestock and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is a minimum requirement to maintain traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain and potentially an inadequate design for holding ponds that contain drainage and runoff effluent.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. All are at risk due to liner failure.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree and only becomes more acute as the landfill is built to higher elevation. This is not addressed at all in the permit design.

Comment 33 Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither the applicant or TCEQ have not demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard.

Comment 39 Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Barbara McLeane

Barbara McLeane

August 09, 2004

PM H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 3:02
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Barbara McLeane. I am a resident in the area and I am concerned about:

The landfill will cause lead poisening in many children who drink from the wells. Construction waste will contain lead in paint and other construction material. I myself came upon a truck on the side of the road. As I went toward the truck on North Walker Road across from the proposed dump I realize the truck had been in an accident. The road is narrow and the driver had driven off the road and hit a tree. I called 911 and saw a lady pinned in the drivers seat, a small child bleeding and a baby that looked lifeless. I gave the baby mouth to mouth to no avail. The baby was dead, the child hurt and the driver badly hurt. If this happened with no traffic, you can guess what would happen with truck traffic

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Barbara McLeane
Address: 5076 Greenwood Drive
City, State, & Zip Cleveland, TX 77328
Phone: 281-593-2800

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:02
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Barbara & Ned McLeane

Address: 5076 Greenwood Drive

City/State: Cleveland, TX **Zip:** 77328

Phone: (281) 593-2800

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☒ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

PM H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 MAY 28 PM 4:00
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Barbara M Rea
Signature

Barbara McLeane
Printed Name and Address

5076 Greenwood
Cleveland, Tx 77380

OPA
JUN 01 2004

MSW
378[illegible]

OPA
H
BY KH

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 PM 12: 26
CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home .5 miles east of the proposed landfill and my address is 5076 Greenwood Drive. I live in the community of Midway. I use my property for residence, livestock and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is a minimum requirement to maintain traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain and potentially an inadequate design for holding ponds that contain drainage and runoff effluent.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. All are at risk due to liner failure.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree and only becomes more acute as the landfill is built to higher elevation. This is not addressed at all in the permit design.

Comment 33 Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither the applicant or TCEQ have not demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard.

Comment 39 Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Esmeralda McLeane

Esmeralda McLeane

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:59
CHIEF CLERKS OFFICE
OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PM

PLEASE PRINT:

Name: Esmeralda McLeane

Address: 5076 Greenwood Drive

City/State: Cleveland Texas **Zip:** 77328

Phone: (281) 593-2398

☒ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☒ **Yes** ☐ **No**
If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

I wish to make public my concern with the way the meeting was conducted. The lack of capacity was a great inconvenience. It would be a great courtesy to reschedule the meeting at a venue that can accomodate the entire group.

Please give this to the person at the information table. Thank you.

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 APR 26 AM 10: 55

CHIEF CLERKS OFFICE

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Esmeralda McLeane

Signature

Esmeralda McLeane

Printed Name and Address

5076 Greenwood Dr.
Cleveland TX 77328

OPA

APR 26 2004

BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

McLeane
5076 Greenwood Dr
Cleveland TX 77328

HOUSTON, TX
PM
23 APR
2004

GREETINGS
FROM
Far Far Away

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin TX 78711-3087

RECEIVED
APR 26 2004
TCEQ

78711+3087

MSW
37808

H OPA

BY KJ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 PM 12: 24
CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home .5 miles east of the proposed landfill and my address is 5076 Greenwood Drive. I live in the community of Midway. I use my property for residence, livestock and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is a minimum requirement to maintain traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain and potentially an inadequate design for holding ponds that contain drainage and runoff effluent.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. All are at risk due to liner failure.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree and only becomes more acute as the landfill is built to higher elevation. This is not addressed at all in the permit design.

Comment 33 Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither the applicant or TCEQ have not demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard.

Comment 39 Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Matt McLeane

Matt McLeane

TCEQ Public Meeting Form

Thursday, April 10, 2008

5

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:32
CHIEF CLERKS OFFICE

PLEASE PRINT: McLeane

Name: Matt McLeane

Address: 5076 Greenwood

City/State: Cleveland Zip: 77328

Phone: (281) 593 2398

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 APR 26 AM 10: 55

CHIEF CLERKS OFFICE

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Matt McCean

Signature

Matt McCean

Printed Name and Address

5076 Greenwood
Cleveland TX 77327

OPA

APR 26 2004

BY D

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

McLeane
5076 Greenwood Dr
Cleveland TX 77328

N. HOUSTON, TX 773
PM
23 APR
2004

GREETINGS
FROM
Far Far Away

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
APR 26 2004
TCEQ

78711+3087

MSW
378608

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 PM 12: 24
CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home .5 miles east of the proposed landfill and my address is 5076 Greenwood Drive. I live in the community of Midway. I use my property for residence, livestock and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is a minimum requirement to maintain traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain and potentially an inadequate design for holding ponds that contain drainage and runoff effluent.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. All are at risk due to liner failure.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree and only becomes more acute as the landfill is built to higher elevation. This is not addressed at all in the permit design.

Comment 33 Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither the applicant or TCEQ have not demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard.

Comment 39 Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Ned McLeane

Ned McLeane

Carl F. McLeod
8042 Greenwood Dr.
Cleveland, Texas77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OPA
2007 DEC 13 AM 10: 03
BY DM CHIEF CLERKS OFFICE

December 10, 2007

MSW 37868

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P. O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms. Castanuela,

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the TCEQ November 13, 2007. These comments are submitted in opposition to the amended application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicants amendment has increased the number of waste vehicles into the propose site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 -year storm.

MW

The applicant has failed to provide information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide information to show compliance with TCEQ rules about how it will handle, store, treat and dispose of contaminated surface water at the landfill.

The applicant has failed to provide information to show compliance with TCEQ rules for storage areas for contaminated water and their design with regard to size, location and covering of the bottom and side slopes.

The applicant has failed to provide information to show compliance with TCEQ rules regarding location and quantities of surface drainage entering or internal to an area subject to a 100-year flood, including Lawrence Creek, its tributaries and the West Fork of Spring Branch.

The applicant has not shown that no surface water or run-off water containing pollutants will escape the site and flow into the above creeks, wetlands or private property. The Security/Midway communities will be expose to contaminated water from the landfill site.

The Houston-Galveston Area Council noted local governments concerns that the landfill will increase flooding due to run-off from the site. Serious drainage problems on and near North Walker Road currently exist despite maintenance of ditches. HGAC stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Contaminated fluids carried by flood waters will travel from Lawrence Creek and West Fork Spring Branch into Caney Creek which in turn flows into Lake Houston.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate documentation of wells, springs and water bodies within 500 feet and/or one mile of the site.

The proposed aerial buildup for the landfill is 200 feet above the surface of the ground. This will greatly exceed the height of the tree cover precluding even minimal screening of the site. HGAC also expressed concern about the buildup citing it as excessive for the surrounding terrain.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an

additional 30 years. I believe this area has been singled out for landfill clustering, a practice discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence Creek and West Fork Spring Branch Creek include jurisdictional wetlands. The applicant has failed to demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

Considering the above concerns I would like to request another public meeting to allow TCEQ to answer questions about the amended roadway and traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and, hopefully, get answers from the applicant. There are several new subdivisions near the site and many of the residents do not know anything about the permit.

By this letter and for the above reasons we are also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Carl and Linda McLeod
8042 Greenwood Dr.
Cleveland, Tx. 77328
281-659-0490

Sincerely,

Carl McLeod

Cc: Montgomery County Judge Sadler
County Commissioner Ed Rienhart
State Senator Robert Nichols
State Representative Brandon Creighton
State Senator Tommy Williams
U.S. Senator John Cornyn
Congressman Kevin Brady

Carl McLeod
8042 Greenwood Dr.
Cleveland, Texas 77328

N HOUSTON TX 773

11 DEC 2007 PM 6 T

HAPPY HOLIDAYS

41 USA

RECEIVED
DEC 13 2007
TCEQ MAIL CENTER
MM

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

78711-3087

MSW 37868

PM H

OPA

JAN 17 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 19

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- LINDA Middleton
Address- 1816 Aspen
Phone- 713-202-4119

Distance from proposed site-

Negative impact to my health, safety and property will be - Breathing issues, lower property values, environmental hazards

Sincerely L Middleton

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NSW
37868

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 28

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 10 miles of the proposed landfill and my address is 11370 Runnels Road, Conroe, TX 77303. I live near the community of Cut and Shoot. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.
Comment 4 - State and Local Government Involvement

Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Michelle Miller

Michelle Miller

Michelle Miller
11270 Runnels Road
Conroe, Texas 77303

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 28
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 10 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MS 1
378U8

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 50

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 1/2 miles of the proposed landfill and my address is 20112 Meadow Lake Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

RLM

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Robert J. Miller

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

R. J. M.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely, Robert L Miller

Robert Miller

R. L. Miller
20112 Meadows Lake Rd.
Cleveland, Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 1 L

USA 42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 50

CHIEF CLERKS OFFICE

Ms. LaDonna Castañuela
Office of the Chief Clerk - MC 105
T.C.E.Q.

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
IRB

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

MSW
37826

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 39

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 4195 Woodpeckers Grove, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Tommy Miller, Jr.

Sammy Miller Jr.
4195 Woodpecker Drive
Cleveland Tx, 77328

HOUSTON TX 772

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 PM 2 L

2009 MAR 26 AM 10: 38

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711-3087

Nisw
378168

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 52

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.3 miles southeast of the proposed landfill and my address is 18305 SH 105. I live in the community of Security and my property is located between the Security landfill and the proposed MLS permit #2324. I use my property for a residence and I have a horse. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Lorrie Minix

L. Miniv
2314 Miller Rd
Cleveland, Tx
77328

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10:52

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 1 T

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
378268

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:42

CHIEF CLERKS OFFICE

OPA

H

BY KG

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 6 miles of the proposed landfill and my address is 12735 Royal Shore Drive, Conroe, TX 77303. I use my property for my residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Cm

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Christopher Morrill

CM

NSW
318128

OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 PM 2:50

CHIEF CLERKS OFFICE

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 6 miles of the proposed landfill and my address is 12735 Royal Shore Drive, Conroe, TX 77303. I use my property for my residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

CM

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

CM

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Crystal Morrill

Crystal Merrill
17352 Royal Shore Dr
Conroe 77302

N HOUSTON TX 773
23 MAR 2009 PM 1 L

USA 42

RECEIVED
MAR 25 2009
TCEQ MAIL CENTER
JH

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:50

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Office of the Chief Clerk MC 105
Texas Commission of Environmental Quality
Austin TX 78753

M&V
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 36

CHIEF CLERKS OFFICE

OPA

BY KG

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home a mile and a half south west of the proposed landfill and my address is 16499 North Emerson Circle. I live near the community of Cut N Shoot. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area. I am very concerned about the amount of traffic that these trucks will cause in this area, and I believe that a traffic light at the intersection of North Walker Road and SH 105 will greatly benefit this area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Milton A. Mueller

Milton Mueller

Milton A. Mueller
16499 N. Emerson Circle
Conroe Tex 77306

HOUSTON TX 772
24 MAR 2009 PM 5 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711+3087

Date:

PM
H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

2004 MAY 28 PM 3:49
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Mrs Don Myers
Signature

OPA
JUN 01 2004

mrs Don Myers
Printed Name and Address

17963 Dogwood Dr.
Conroe Tx 77303

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM
H

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:59
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Donald G Myers

Signature

OFA
JUN 01 2004

17963 Dogwood Dr
Printed Name and Address

Conroe Tex 77303

Date: 5/24/04

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

HR OPA PM

MAY 27 2004

BY

2004 MAY 27 AM 10: 17

CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.

2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.

3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.

4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.

5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.

6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Donald G Myers
Printed Name and Address

17963 Dogwood Dr.
Conroe, Texas
77303

NSW

OPA 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 49

CHIEF CLERKS OFFICE

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 15969 Tree Monkey, Conroe, TX 77303. I live near the community of Groceville. I use my property for a residence and livestock. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

RN

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

RN

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

RN

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Rhonda Nash
Rhonda Nash

Rhonda Nash
15969 Tree Monkey
Conroe TX 77303

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 49
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 1 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 24 AM 10: 15

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

PM H

OPA JAN 24 2008 BY BP

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Luis Angel Nava
Address- 12321 ~~[illegible]~~ Regal West
Phone- 936-520-1775

Distance from proposed site- 5 miles

Negative impact to my health, safety and property will be - I work 1 mile away from the landfill.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

M. N
378U8

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 49

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 6185 Forest Drive, Cleveland, TX 77328 in the community of Security. I use my property for my residence, fishing pond and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility. DH

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I am very concerned that this landfill will adversely affect my ability to continuing to use my fishing pond on my property.

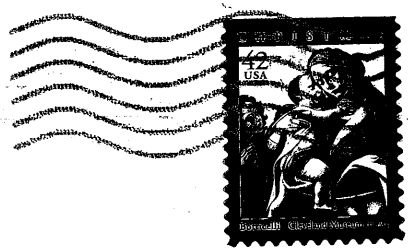
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

David Neal

David Neal
6185 Forest Dr.
Cleveland, TX 77328

HOUSTON TX 772
24 MAR 2009 PM 2 T



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 49
CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

NSW
3/18/08

OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 30

CHIEF CLERKS OFFICE

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1 mile east of the proposed landfill and my address 6185 Forest Dr, Cleveland, TX 77328. I live in the community of Security/Midway. I use my property for a residence and I have horses and fishing pond. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

I have two water wells on my property and I am really concerned that the liner will not protect my water source from contaminants leaking from the base of the landfill.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Debbie Neal

Debbie Neal

Debbie Neal
6185 Forest Dr
Cleveland Tx 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 30
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 3 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711+3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

MSW
378608
H

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 50

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/2 mile of the proposed landfill and my address is 9595 Adcock Acres, Conroe, TX 77303. I live near the community of Cut and Shoot. I use my property for residence, gardening and light ranching. I am also a business owner of Skin Deep at 18363 Hwy. E, Bldg. C, Cleveland, TX 77328. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to

al

mw

respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.
Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Casey A. Neely

Casey A. Neely
9595 Adcock Acres
Conroe, TX 77303

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10:50
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 1 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

ASW 32868

OPA

PM DEC 17 2007

H BY [illegible]

3

84

November 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 17 AM 10: 49

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is not adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Albert A. Nelson
Address- 2791 N. Walker Rd, Cleveland Tx
Phone- None

Distance from proposed site- 1/2 mile

Negative impact to my health, safety and property will be - Air Pollution (Bad Allergies) ~~Traffic~~ Traffic Safety for family, Ruin my well Water + Land & Air

Sincerely

Albert Nelson

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Karen J. Welch
2791 N Walker Rd
Cleveland, TX 77328

N HOUSTON TX 773
14 DEC 2007 PM 2 L

HAPPY HOLIDAYS
USA 41

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 17 AM 10:49
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Tx 78711-3087

RECEIVED
DEC 17 2007
TCEQ MAIL CENTER
JH

78711-3087

March 10, 2005
MC105, TCEQ
P.O. Box 13087
Austin,Texas 78711-3087

GPA H
MAR 10 2005
BY

37868
MSW

RE: Montgomery Landfill Solutions,L.P.,Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH105 and Walker Road,Montgomery County,Texas.There are many reasons why I believe that the proposed landfill on Walker Road is a very bad idea:

1) We don't need another landfill as we already have two in the area and it will be used mostly for garbage coming from four other counties, not ours.

2) Traffic congestion is already bad on Highway 105 and I'm told it is the most dangerous Highway in Texas. So adding three hundred fifty or more garbage trucks each day, coming and going,will be a disaster.

3) Walker Road is the only access street to a large subdivision. It is very narrow with dangerous curves and has no ditches for water drainage,nor any sidewalks for our children to walk or ride bicycles on. Several school busses pick up and deliver kids to and from school each day.My grandson was almost run over getting off a school bus last year because the car coming around the curve didn't see him until it was almost too late.

4) There are several hundred homes within a two to three mile radius of the proposed land fill and they all use water wells. I don't think the liners the landfills use will be sufficient to keep these wells from being contaminated. Once the aquafer is conyaminated it will effect people for miles and miles.

5) Flooding is also a major concern,as we have problems already. With the dump there all the run off water will be contaminated,and there is no way it cannot affect the drinking water and everyone downstream.(Splendora,New Caney,Humble,and Houston)

6) Also,there is the environment to worry about,and pollution of our air from all the trucks coming in and out. If there was ever a tornado or hurricane it would have garbage strewn for miles. It will be bad enough, just the garbage falling off the trucks and littering our streets.

7) Last but not least, no one is buying property or building homes aruond here because of the proposed dump. And our property values have fallen because no one wants to live here anymore.

I am requesting that the Contested Case Hearing on this application be held in Montgomery County, Texas and that I be allowed to speak.

Sincerely,

Shelia Nelson & Albert Nelson 2791 N. Walker Rd
Signature

Shelia Nelson & Albert Nelson Cleveland Tx 77328
Printed Name and Address

cc: Represenative Ruben Hope,Senator Todd Staples, Senator Tommy Williams

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM

2004 APR 27 2:46
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk;

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Albert Nelson
Signature

Albert Nelson
Printed Name and Address

2791 N. Walker rd.
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW 37868

4 of 4

OPA

PM 4

DEC 17 2007

BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 17 AM 10:
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Shelia Nelson
Address- 2791 N. Walker Rd, Cleveland Tx 77328
Phone- None

Distance from proposed site- 1/2 mile

Negative impact to my health, safety and property will be - air pollution, traffic safety, flooding, + well pollution

Sincerely

Shelia Nelson

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Karen J. Welch
2791 N Walker Rd
Cleveland, TX 77328

N HOUSTON TX 773
14 DEC 2007 PM 2 L

HAPPY HOLIDAYS
USA 41

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 17 AM 10:49
CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
DEC 17 2007
TCEQ MAIL CENTER
JH

78711-3087

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM

2004 APR 27 PM 2:42
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Shelia Nelson
Signature

Shelia Nelson
Printed Name and Address

2791 N. Walker Rd
Cleveland, Tx 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

N SM
3/8/09

OPA

H

BY RY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 48

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.5 miles south of the proposed landfill and my address is 18039 Old Hwy 105, Cleveland , TX 77328. I live near the community of Security/Midway. I use my property for a residence and I have horses and dogs. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Glenda O'Farrell

Glenda O'Farrell

Glenda O'Farrell
18039 Old Hwy. 105
Cleveland Tx.
77328

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 48

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 2 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711-3087

M 37868

OPA

PM JAN 17 2008

H BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 17

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Tara Olephant
Address- 17425 FM 1484 Conroe TX 77303
Phone- 936-788-3589

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - water well traffic on 105, Children attend a school w/in 2 miles of site.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB 22 AM 10: 12

CHIEF CLERKS OFFICE

MSW 37868

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

pm OPA
FEB 22 2008
BY EB

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Neda O'Neil
Address- 19273 Meadowlark rd
Phone- (281) 592-0426

Distance from proposed site- 1 1/2 miles

Negative impact to my health, safety and property will be - pollution of well water
Health for Breathing Danger to wild life
Traffic - danger for School Children

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
378108

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:12

CHIEF CLERKS OFFICE

H OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 0.5 miles from the proposed landfill and my address is 19524 Meadow Lake Rd, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

Sincerely

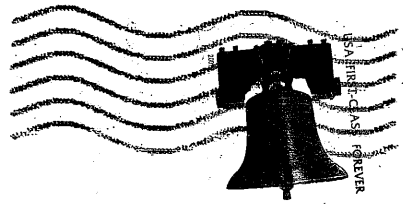
Judith O'Toole

Judith O'Toole

Judith O'Toole
19524 Meadow Lake Rd
Cleveland Tx 77328

HOUSTON TX 772

23 MAR 2009 PM 2 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

Date: 4-22-04

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 27 PM 2:37
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Judith O'Toole
Signature

OPA
APR 30 2004
BY

JUDITH O'TOOLE
Printed Name and Address
19524 Meadow Lake Rd.
Cleveland, TX. 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

PM OPA
H FEB 25 2008
BY dc
MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 FEB 22 AM 10: 10
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Linda Stt
Address- 16709 Highline Blvd Conroe TX
Phone- 3 miles-

Distance from proposed site-

Negative impact to my health, safety and property will be - BAD for All

Sincerely

Linda Stt

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

OPA

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 46

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within ½ miles of the proposed landfill and my address is 1216 N. Walker Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence, agriculture and run a business called Overall Sawdust Service. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

John Overall

John Overall
1216 N. Walker Road
Cleveland, TX 77328

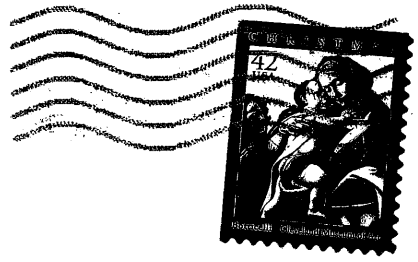
HOUSTON TX 772

24 MAR 2009 PM 2 T

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 46

CHIEF CLERKS OFFICE



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

2008 JAN -7 PM 3:29

CHIEF CLERKS OFFICE

OPA

JAN 08 2008

BY GB

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Sylvia Padilla
Address- 18751 Oakridge Dr. Cleveland, TX 77328
Phone- 281-659-0030

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - This will be a dangerous thing because of traffic and for my children. Also I am concerned of the safety of the water around the.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 MAR 11 AM 10: 04

CHIEF CLERKS OFFICE

MSW
37868

INTERNATIONAL PAPER

Realty Division
P.O. DRAWER 1647
CLEVELAND TX 77328
PHONE 281 593 0503
FAX 281 592 0148

699 U S HWY 59 SOUTH
CLEVELAND TX 77327

OPA
MAR 11 2005
BY

March 7, 2005

Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, Texas 78711-3087

Re: Public Hearing and Written Response for Municipal Solid Waste Permit # 2324, Montgomery Landfill Solutions, LP

I represent a substantial landowner (International Paper Real Estate Division "IPRC") adjacent to the proposed site, being approximately 2376 acres. Our tract is both to the southwest and north of subject property being considered for a Type IV Solid Waste Permit.

IPRC is writing in opposition to this proposed landfill, because of the following reasons:

1. Montgomery Landfill Solution, LP is a shell company with no asset value, except the site and equipment itself. The large backers and owners of the LP are the large waste contractors and utility districts such as cities in the surrounding areas. We recommend that if this permit comes to pass, the Montgomery Landfill Solutions, LP should be made to bond the entire life of its project a 50-100 million dollar bond. This bond will ensure funds are available if ever needed and a clean up is required.

2. The landfill will, as all studies have shown, drive down land values in the surrounding area. The future use would be altered to lower valued property because of landfill.

3. Highway 105 is considered by Texas DOT as the #1 deadliest road in Texas. With the landfill, a much larger number of trucks would be placed on this road system, creating a bad problem to even get worse. Look for and plan for additional fatalities if this permit is approved.

4. The proposed site will be off of Walker Road. This road is currently only a winding rural road with many homes. The design of Walker Road is not for large loaded trucks. The weight capacity of the trucks would soon destroy the road, causing county and state to repair. Walker road services many small homes with numerous children present. A large truck traffic would be dangerous to residents and children using Walker Road to catch school buses and transportation.

5. Once a landfill is permitted Type IV, the case to move to a Type I is much easier at a later date.

6. Waste Management expansion two miles west of the proposed site will have the capacity to serve the community for 25 plus years. Why do we need this site, if there is available area that is now ready and approved?

7. The main user of the proposed site will be outside county contractors and haulers, mainly the City of Houston and Harris County. Let them develop a site within their county to deposit their own waste.

Thank you for your consideration and time in reviewing my comments. Your consideration of the importance of rejecting this proposed landfill to the surrounding area is very important.

R M Palmer
Manager

37863
MSW

INTERNATIONAL PAPER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 NOV -8 AM 9:59

CHIEF CLERKS OFFICE

Realty Division
P.O. DRAWER 1647
CLEVELAND TX 77328
PHONE 281 593 0503
FAX 281 592 0148

699 U S HWY 59 SOUTH
CLEVELAND TX 77327

H OPA
NOV 08 2004
BY KS

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

Re: Montgomery Landfill Solutions, L. P., and Proposed Permit # 2324

As a representative of an adjacent landowner to the proposed landfill, I would like to raise opposition again, and state why I feel the site should not be approved. One of my major concerns is Highway 105. At the present time, Texas DOT has named this road one of the deadliest highways in the State of Texas. In adding traffic to Highway 105 and Walker Road will intensify the congestion and deaths.

Walker Road is not designed to handle the magnitude of truck traffic involved with a landfill site. Walker Road Is at best a twenty (20) foot running road surface. Walker Road has minimal payment through a residential area. There are also children whom ride public school buses on this road daily.

The water flow from this site is down from Peach Creek. If there is ever a leakage from this site, there could be a contamination to the water flow to Houston. Another area of concern, is that these companies are put into a Limited Partnership. Montgomery Landfill Solutions should be bonded to this site until it is capped. I feel this site should be bonded during operation and many years after they have closed. This would ensure a source of funds to clean up any areas affected or contaminated.

There is currently a landfill no more than one mile from the proposed landfill site, which seems quit capable of handling an increased flow. I feel that a significant amount of products will be coming from the Houston area. In this case, I feel Houston and Harris County should address this issue themselves.

I would like to request another public hearing, which would allow the public to voice their opposition or support. I would also like to have Montgomery Landfill present what they propose. They have presented this as a type four landfill, but in the past, a type four has then become a type three or below, which would then become solid waste, which can become Hazardous.

As the single largest adjacent landowner, we oppose the landfill.

R. M. Palmer
Manager

RMP/ks

Cc: File

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR A MUNICIPAL SOLID WASTE PERMIT

PROPOSED PERMIT NO. 2324

APPLICATION AND PRELIMINARY DECISION. Montgomery Landfill Solutions, L.P., P.O. Box 341506, Austin, TX, 78734, has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit to authorize a Type IV municipal solid waste landfill facility that would be authorized to accept municipal solid waste resulting from, or incidental to, construction, demolition and groundskeeping activities, including brush, construction/demolition waste, rubbish, inert material, man-made inert material, trash, yard waste that is free of putrescible and household waste, scrap tires that have been slit and quartered or shredded, but not from a tire disposer/recycler that is reimbursed from the State Waste Tire Recycling Fund, and other waste as approved on a case-by-case basis by the Executive Director. The proposed site is a 473-acre facility, located about 1.4 miles north of the intersection of North Walker Road and State Highway (SH) 105 and about one mile east of Cut and Shoot, Texas. The mailing address is P.O. Box 341506, Austin, TX, 78734. This application was received by the TCEQ on March 17, 2004.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this proposed permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the Montgomery County Library, 104 I-45 North, Conroe, Texas.

MAILING LISTS. You may ask to be placed on a mailing list to obtain additional information regarding this application by sending a request to the Office of the Chief Clerk at the address below. You may also ask to be on a county-wide mailing list to receive public notices for TCEQ permits in the county.

PUBLIC COMMENT/PUBLIC MEETING. The TCEQ held a public meeting at 7:00 pm on August 9, 2004, at the Conroe Tower in Conroe, Texas. You may submit public comments or request another public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. 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.

You may submit additional written public comment 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 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 who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

A person who may be affected by the facility or the proposed facility is entitled to request a contested case hearing from the commission. 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 application 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 permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. If you need more information about this permit application 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.tceq.state.tx.us.

Further information may also be obtained from Montgomery Landfill Solutions, L.P at the address stated above or by calling Mr. Imre J. Szekelyhidi, Jr., the applicant representative, at (512) 470-8115.

ISSUED: OCT 28 2004

16th

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:42
CHIEF CLERKS OFFICE

PLEASE PRINT: Palmer

Name: R. M. Palmer

Address: 4343 Hill Forest

City/State: Kingwood TX **Zip:** 77345

Phone: 281 360-7945

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? Industry / Landowner

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37868
MSW

INTERNATIONAL PAPER

Realty Division
P.O. DRAWER 1647
CLEVELAND TX 77328
PHONE 281 593 0503
FAX 281 592 0148

699 U S HWY 59 SOUTH
CLEVELAND TX 77327

OPA
JUL 26 2004
BY KY

2004 JUL 23 PM 3:52
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

July 19, 2004

Chief Clerk's Office, MC 105
Texas Commission on Environmental Quality
PO Box 13087
Austin, Texas 78711-3087

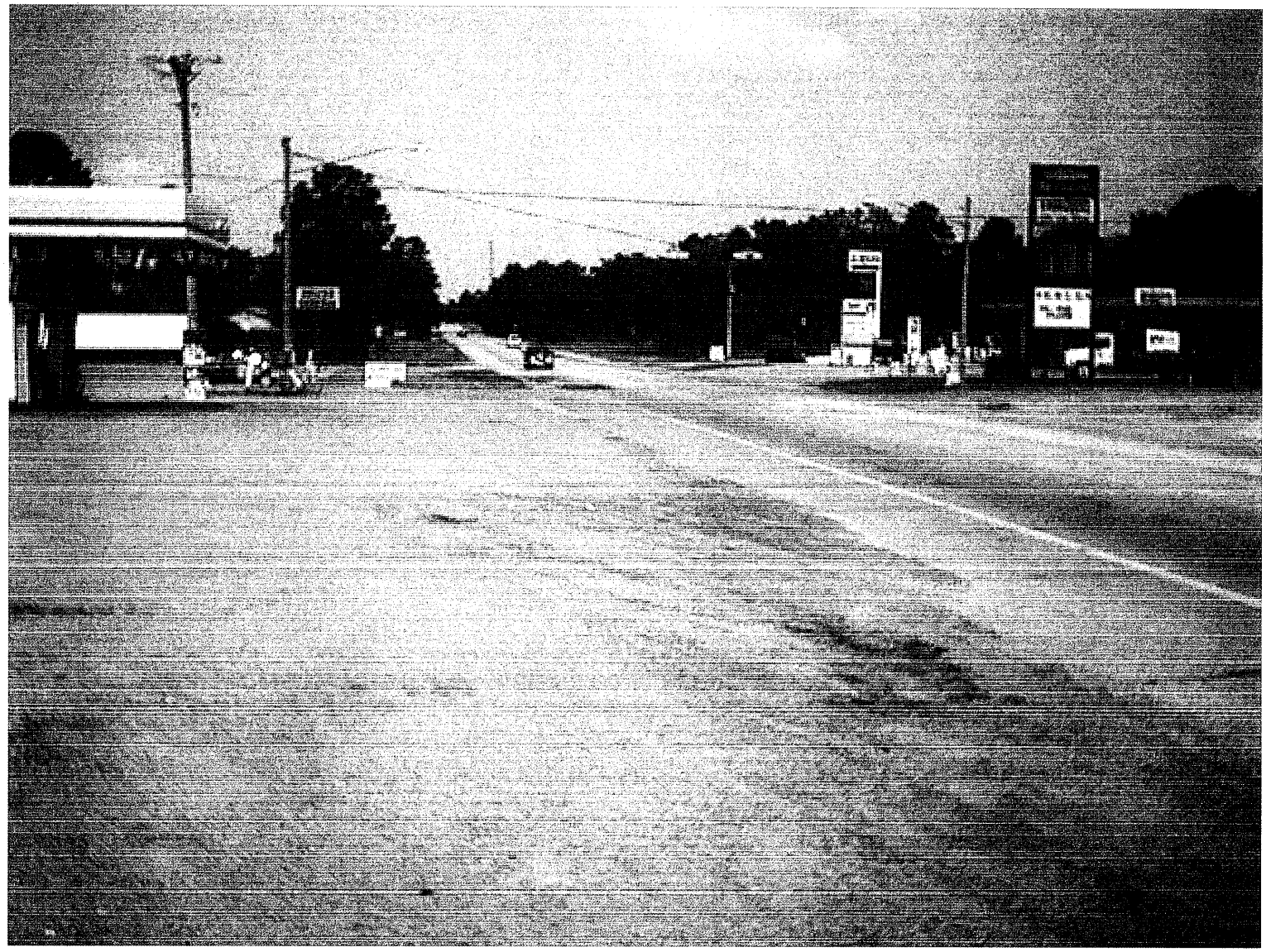
Re: Public Hearing for Municipal Solid Waste Permit No. 2324

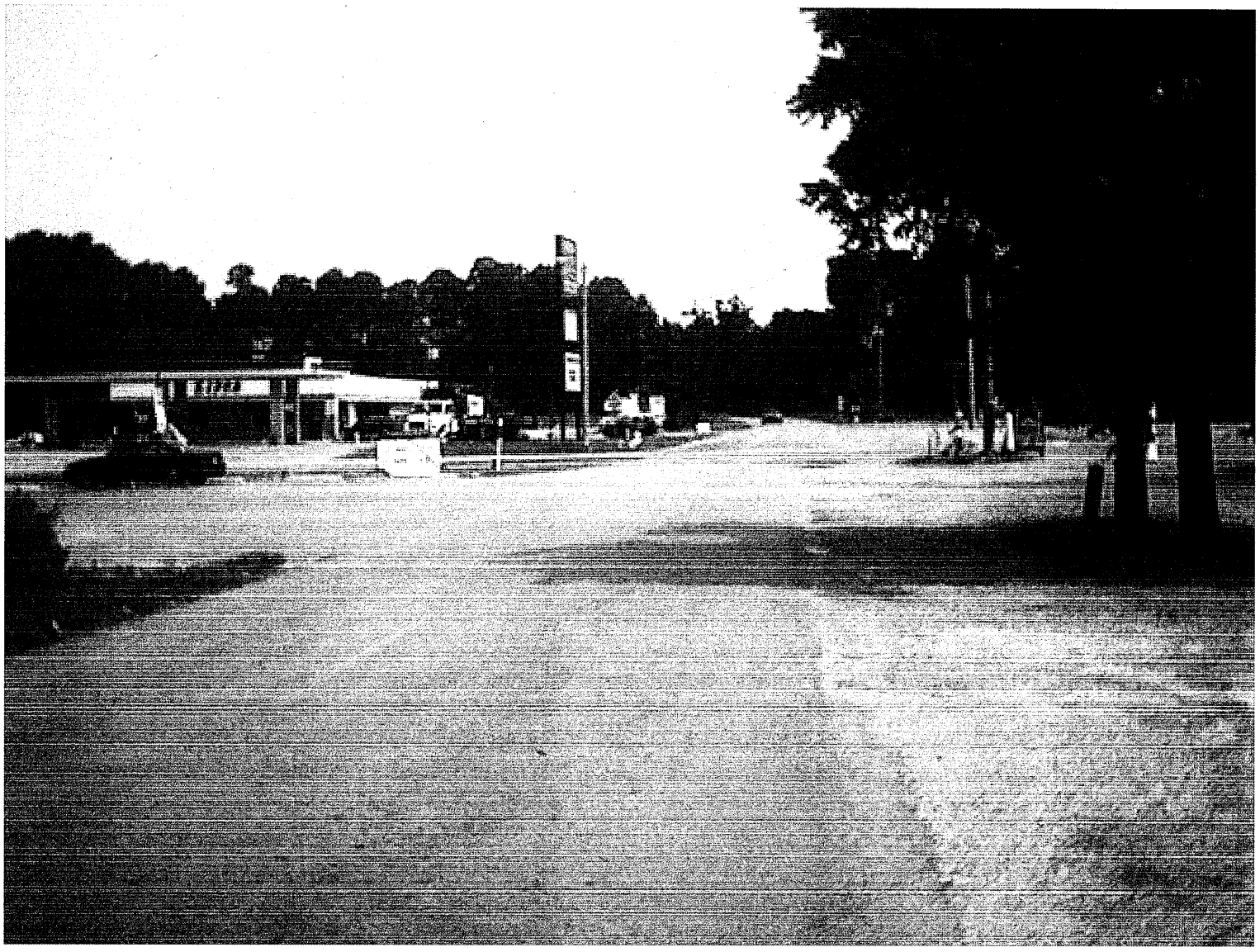
I would like to make my points in writing, as well as participate in the public hearing on Monday August 9, 2004 In the Conroe Tower. I represent an adjacent landowner of sizable acreage whom will be directly affected by this landfill. We definitely oppose the landfill site for a variety of reasons. They are as follows:

1. Lower property value and future use.
2. Walker Road traffic capacity.
3. Ease to move to Type 1 Landfill at a later date.
4. Encourage Landfill Companies to bonded from 50 to 100 million to pay for future clean up.
5. Highway 105 is now the deadliest road in Texas by Department of Public Safety.

I look forward to meeting with you on August 9 and discussing my points in person.

R M Palmer
Manager





37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 17 AM 10: 04

CHIEF CLERKS OFFICE

INTERNATIONAL PAPER

Realty Division
P.O. DRAWER 1647
CLEVELAND TX 77328
PHONE 281 593 0503
FAX 281 592 0148

699 U S HWY 59 SOUTH
CLEVELAND TX 77327

May 5, 2004

OPA
MAY 18 2004
BY KY

Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, Texas 78711-3087

Re: Proposed Permit Number 2324, Montgomery Landfill Solutions, L.P.

This letter is in reference to a Notice of Receipt of Application and Intent to Obtain Municipal Solid Waste Permit received by International Paper Realty Corporation (IPRC). I represent a substantial landowner adjacent to this site being approximately 2000 acres both to the Southwest and North.

IPRC is writing in opposition to the location of the proposed landfill. We also object to having Montgomery Landfill Solutions in a limited partnership. This limited partnership, I am sure is being fronted by larger companies with deeper pockets.

If this landfill in the foreseeable future has problems, then the only asset this limited partnership would have will be the site itself, which would be worthless. At that point, any clean up costs would be at the expense of the State Of Texas. I recommend a large bond or put into title with companies with worth to insure any future problems.

As the adjacent landowner, as time goes on, we would be faced with ground water contamination or with movement of material from the site into other areas. Also, a landfill site would drastically drive down values in the remaining land around this area. The community in this area has a very inferior road system, which travels through a congested neighborhood with very narrow roads.

At present, it is very dangerous in the morning with school children catching the bus, and increasing the traffic on the road with major trucks would cause great risk on a very curvy county road.

I would like to voice my opinion and be notified when and if a public hearing is held on this matter and be able to voice my opposition at that time.

R M Palmer

RMP/ks

August 09, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PM
H

2004 AUG 11 PM 3:03
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Carol Parten. I am a resident in the area and I am concerned about:
run off from the land fill will contaminate the aquifers and other water sheds.
We do not want these prisons to pollute our precious resources - air & water

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Carol Parten
Address: 1102 Lisa Lane
City, State, & Zip Kingwood TX 77339
Phone: 281 358-0194

August 09, 2004

PM OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 3:03
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Greg Poole. I am a former resident in the area and I am concerned about:

1.) The fact that I am with App. 50 people waiting to get into a "public" meeting. The process does not build trust

2.) The owners of the property indicate they wish to be good neighbors. The definition of neighbor includes accomodating ones fellow neighbors when they are of one accord. They are speaking with one voice and yet the supposed good neighbor could care less

3.) East County, once again is being victimized due to a lack of political clout. Message to those seeking a permit. Just because you can do something does not make it right!

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Greg Poole
Address: 211 Virginia Ln
City, State, & Zip Conroe TX 77304
Phone: 936-756-9370

20

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Greg Poole

Address: 211 Virginia Lane

City/State: Conroe TX Zip: 77304

Phone: (936) 756 9370

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -2 AM 9:58

CHIEF CLERKS OFFICE

PM H

OPA

BY KY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided ade[illegible]te information about groundwater and aquifer [illegible]nditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Jack Potter
Address- 529 CR 3317 Clev., Tx. 77327
Phone- 281-592-3040

Distance from proposed site- 3½ miles from proposed dump site

Negative impact to my health, safety and property will be - I work on N. Duck Creek road, 105 which is already not wide enough, is very hard to cross at times. It has taken me 7 to 10 minutes to get onto 105 east bound. Mean while traffic is backing up behind me. I've had to take more chances than I would like to just trying to get home. With up to 600 trucks a day east bound + west bound this will be a death trap.

Sincerely,

Jack T. Potter

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NSW
37808

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 27 AM 8:23
CHIEF CLERKS OFFICE

OPA
H
BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I am the pastor of the Cowboy Church in Cut & Shoot approximately 3 miles west of the proposed landfill. My address is 11440 Hillgreen, Conroe, TX 77303. I live near the community of Cut and Shoot. I use my property to raise livestock and I specialize in Longhorn cattle . I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32. The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Jesse Prewitt

Jesse Prewitt

NSW
378268

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:21

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

H OPA

MAR 2 2009

BY KK

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.0 mile from the proposed landfill and my address is 21323 Big Buck Drive, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

KK

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

KR

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

K12

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Kelly Radmanovich

Kelly Radmanovich
21323 Big Buck Drive
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 1 T

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

N'SW
3/8/08
H

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 PM 2:53

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.0 mile east of the proposed landfill and my address is 21323 Big Buck Drive, Cleveland, TX, 77328.. I live near the community of Security/Midway. I use my property for a residence and I have miniature horses and they are dear to me. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Radmanovich

Milorad Radmanovich

MWM
378168

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3: 17

CHIEF CLERKS OFFICE

H OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 2 miles west of the proposed landfill and my address is 17417 White Oak. I live near the community of Conroe. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

 MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Fransisco Ramirez

Fransisco Ramirez

Fransisco Ramirez
17417 White Oak
Conroe Tx 77306

HOUSTON TX 772
23 MAR 2009 PM 8 T

USA FIRST CLASS FOREVER

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

NSW
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2: 14

CHIEF CLERKS OFFICE

4 OPA

BY

Ms. LaDonna Castanuela
Office of the Chief Clerk-MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

March 22,2009

RE: Montgomery Landfill Solutions Permit #2324

I am writing this letter in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26,2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills which is a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

My wife and I built our home in 1978 which is one quarter mile east of the proposed landfill . Our address is 5800 Pineshadows Rd. We live near the community of Security. We used our property as a residence to our 3 children. Two of our children have since moved away and on their own. One child has moved on to heaven which left us with a beautiful 6 year old granddaughter to raise , which is the greatest blessing ever. She also is suffering from asthma. We have since built an apartment on to our home to take care of our 87yr old mother who is suffering from asthma, high blood pressure, degeneration of the spine, a dislocated shoulder and has had cancer of several parts of her body and has won the battle.

We will be adversely affected by the proposed facility in a manner not common to the general public. We have a personal justifiable interest in this matter related to the economic interest in our property by the application. Neither our claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Here are some disputed issues that are material to the Commissioners Decision and should be addressed in the Contested Case Hearing.

Comment 4 – State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health , safety, water quality and flooding.

MW

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safely especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 miles away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 15 Land Use Compatibility
Response 15:The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the county and community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and a height of (200ft) is a hazard to air and quality, traffic safety and health in a residential community.

These are just some of the concerns listed . My wife and I are very worried and concerned for the safety of our 87yr old mother, our now 8yr old granddaughter both with asthma with the air quality that the landfill will bestow on our beautiful home is a life threatening issue. The noise level around our home is wonderful now but this to will change with the many heavy machines that will be used if the landfill is allowed to open. We believe that our biggest concern is the quality of our water. We have had people come from Conroe and fill bottles full because our water is absolutely the best in the world. With the landfill going down 47ft threatening the Chicot and Evangeline aquifers with untold poisons and contaminates that will make the water unsuitable for drinking and bathing. Guess we can all use bottled water.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit #2324.

Sincerely,

Lawrence Rains Carolyn Sue Rains

Lawrence and Carolyn Sue Rains
5800 Pineshadows Rd.
Cleveland, Texas 77328
1-281-592-8751

Rains
5800 Pineshadows Rd,
Cleveland, Tx
77328

N HOUSTON TX 773
23 MAR 2009PM 5 L

USA FIRST-CLASS FOREVER

Ms LaDonna Castañuela
Office of the Chief Clerk-MC105
Texas Commission on Enviromental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

PM OPA
H DEC 03 2007
BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC -3 AM 10: 26

CHIEF CLERKS OFFICE

MSW 37868

November 29,2007

Ms.Ladonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O.Box 13087
Austin, Texas 78711-3087

2005-1371-MSW

Re: Montgomery Landfill Solution amended permit application MSW #2324

Dear Ms Castanuela:
My family and I moved to our wonderful home off of North Walker Rd. in 1978.
At that time the traffic along North Walker Rd. was not that bad at all. The water was the best we had ever tasted and the air was so pure and clean. No noise except the animals. We have to cross-Lawrence Creek before reaching our home several times Lawrence Creek has gone over its banks and flooded North Walker Rd. making it impossible to cross. It seems to me that if M.L.S. is allowed to open this landfill destroying the water shed for this creek the flooding will be much more severe. Also by destroying the natural drainage patterns they will also increase the risk that our wonderful water that we enjoy will be no more.
My wife and I have raised three children that were allowed to ride their bicycles up North Walker Rd. to the corner store at Hwy.105 without the threat of being run over. With the possibility of 400-800 trucks a day traveling up and down the road, no one will allow their children or any others to ride their bicycles anywhere on the road. The above concerns are just a couple out of many concerns that my family and friends are concerned about.
We are compelled to request another public meeting to allow T.C.E.Q. to answer questions about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the proposed landfill site and many of the new residents do not know anything about the permit.
By this letter and for the above reasons we are also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit #2324.

Thank you,

Lawrence A. Rains
Carolyn Sue Rains

Lawrence A.and Carolyn Sue Rains
5800 Pine Shadows Rd., Cleveland Texas 77328
Phone # 281-592-8751
Distance from proposed site one half mile.

Cc: County Judge Sadler, County Commissioner Ed Rinhart, State Senator Robert Nichols, State Representative Brandon Creighton, U.S.Senator Tommy Williams

MW

N HOUSTON TX 773

30 NOV 2007 PM 7 L

Ms. LADONNA CASTANUELA, Chief Clerk
Texas Commission on Enviromental Quality
MC 105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
DEC 03 2007
TCEQ MAIL CENTER
RB

78711+3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC -3 AM 10:32
CHIEF CLERKS OFFICE

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:13
CHIEF CLERK'S OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

L A Rains

Printed Name and Address

5800 Pines Hadows
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

N SW
318008

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 50

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 20000 Meadow Lake Road, Cleveland, TX 77328. I live near the community of Security. I use my property for a residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

PR

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

PR

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

PK

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Patricia Ream

Patricia Ream

Patricia Ream
20000 Meadow Lake Road
Cleveland, TX 77328

HOUSTON TX 772
24 MAR 2009 PM 1 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 50

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711+3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

NSW
378108

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 30

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 20000 Meadow Lake Road, Cleveland, TX 77328. I live near the community of Security. I use my property for a residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

RR

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

RR

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely, Robert Ream

Robert Ream

Robert Reain
20000 Meadow Lake Road
Cleveland, TX 77328

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 39

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 3 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

OP. JAN 17 2008 BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 20

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

November 19, 2007

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Lisa Reasor
Address- 13060 Sandchester Trail, Conroe, TX 77306
Phone- 936-264-3076

Distance from proposed site- 8-9 miles

Negative impact to my health, safety and property will be - Possible contamination of water & land. Traffic will increase on 105. Wrecks will increase. Traffic is terrible today. People who would like this landfill in East Montgomery do not live in East Montgomery. Put this in your back yard - NOT OURS.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

C. NSW
378 Ce8

OPA

H

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 25 PM 2:50

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home a mile and a half south of the proposed landfill and my address is 4231 Weir Road I live near the community of Cleveland. I use my property for residence and farming. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Charles Reed

MSW
378608

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2009 MAR 24 PM 3:33

BY KY

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home a mile and a half south of the proposed landfill and my address is 4231 Weir Road I live near the community of Cleveland. I use my property for residence and farming. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

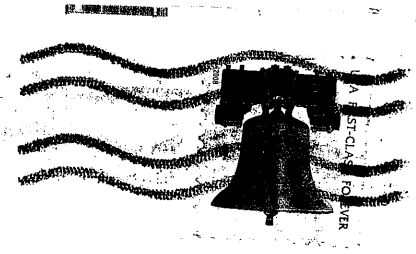
Kelly Reed

Kelly Reed

KELLY REED
4231 WEAR RD,
CLEVELAND, TX.
77328

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

N HOUSTON TX 773
23 MAR 2009 PM 2 T



MS. LA DONNA CASTANUELA
OFFICE OF THE CHIEF CLERK - MC 105
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE
AUSTIN, TX 78753

78753+1808

August 09, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PM
#

2004 AUG 11 PM 3:03
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Lois Reiszner. I am a resident in the area and I am concerned about:

- 1st - what poor planning for this meeting - Was this done on purpose ??
- Not adequate room - no place to sit - - -

That is great planning for the "pro" landfill people - Do not let concerned citizens have a voice in this

= HAVE ANOTHER MEETING for the "PEOPLE of Montgomery County" -

SHAME on you -

We do Not need another landfill -

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Lois Reiszner
Address: 17878 Village Way
City, State, & Zip Conroe TX 77302
Phone: 281-429-7990

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

OPA RECEIVED
AUG 09 2004
PM
AT PUBLIC MEETING

PLEASE PRINT:

Name: Lois Reisner

Address: 17878 Village Way

City/State: Conroe Tx **Zip:** 77302

Phone: (281 — 429-7470

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

HAVE ANOTHER MEETING FOR THE PEOPLE TO BE HEARD!

PM

Date:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 MAY 13 AM 10: 00

CHIEF CLERKS OFFICE

OPA

MAY 13 2004

BY _____

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Lois Reiszner

Printed Name and Address

17978 Village Way
Conroe, Tx 77302

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

Lois K. Reiszner or
Steve Mayo
17878 Village Way
Conroe, TX 77302

HOUSTON TX 773
PM
11 MAY
2004

FROM
Far Far Away

Office of the Chief Clerk
MC105, TCEQ
PO Box 13087
Austin, TX. 78711-3087

RECEIVED
MAY 13 2004
TCEQ

78711+3087

MSM
378608

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:10

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

H OPA

BY KY

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.5 miles southeast of the proposed landfill and my address is 19731 Meadow Lake, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

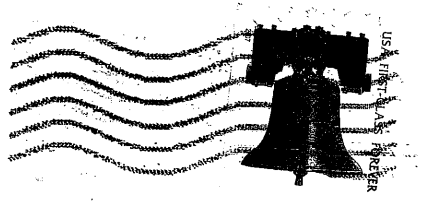
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

Sincerely

David Rendon

David Rendon
19731 Meadow Lake
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 1 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

TCEQ Public Meeting Form

Thursday, April 10, 2008

21

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:33
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: DAVID RENDON

Address: 19731 MEADOW LAKE

City/State: CLEVELAND TX Zip: 77328

Phone: (281) 432 7404

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

24

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: DAVID RENDON (Rendon)

Address: 19731 MEADOW LAKE

City/State: CLEVELAND TX Zip: 77328

Phone: (281) 460 0145

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

OPA
MAY 27 2004
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 27 AM 9:54
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L. P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit.

1) **Current Landfills in Area:** There is a Type 1, 375-acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, 6 miles to the west, and a proposed transfer station 8 miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development:** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new home sites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic Safety:** The entrance to the proposed landfill on North Walker Road is a two-lane, 21' wide county road, and the only entrance into our community and properties. The lives of school children waiting for their buses will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the floodwaters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1-mile radius of this proposed landfill site have water wells as their only source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U. S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but also serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting and a contested case hearing on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County, Texas.

Sincerely,

Clara Riggins
Signature

CLARA Riggins
Printed Name and Address

16604 High Line Blvd.
Conroe, TX. 77306

Cc: Representative Ruben Hope, Senator Todd Staples, and Senator Tommy Williams

PM OPA HC

MAY 27 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 27 AM 9:53

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Montgomery Landfill Solutions, L. P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit.

1) **Current Landfills in Area:** There is a Type 1, 375-acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, 6 miles to the west, and a proposed transfer station 8 miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development:** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new home sites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic Safety:** The entrance to the proposed landfill on North Walker Road is a two-lane, 21' wide county road, and the only entrance into our community and properties. The lives of school children waiting for their buses will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the floodwaters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1-mile radius of this proposed landfill site have water wells as their only source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U. S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but also serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting and a contested case hearing on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County, Texas.

Sincerely,

Signature

LARRY Riggins
Printed Name and Address
16604 HighLine Blvd.
Conroe, TX. 77306

Cc: Representative Ruben Hope, Senator Todd Staples, and Senator Tommy Williams

NOW
37828

ED RINEHART
COMMISSIONER PRECINCT 4
MONTGOMERY COUNTY

P.O. Box 84
New Caney, Texas 77357

Conroe: (936) 521-8919
New Caney: (281) 689-3161
Houston: (281) 354-8985 Ext. 8919
(281) 689-3133 Ext. 8919
Fax: (936) 521-8918

OPA

H

BY dc

Via facsimile: (512) 239-3311
and surface mail

March 23. 2009

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 27 PM 2:
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing. This hearing will be a financial hardship for the residents of the Security/Midway/ Cut and Shoot area and I hereby request that the Contested Case Hearing be held in Montgomery County to lessen that hardship.

Montgomery County Pct. 4 has a justifiable interest in this matter related to water, air and soil pollution, and to economic and land use interests in the Cut and Shoot, Security and Midway communities that are affected by the application.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

mw

Comment 11 - Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety for the next 25-30 years. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further, the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties. East Montgomery County should not become the dumping ground for 5 counties.

Comment 15 - Land Use Compatibility
Response 15: The applicant has not shown that the proposed landfill will be compatible with land use in the surrounding area. The applicant has not accurately represented residential growth and development in the area. The landfill is not compatible with growth trends in the area. The proposed site is part of the growth corridor for the Security, Midway and Cut & Shoot community. Ongoing and planned developments will be negatively impacted if the landfill is approved. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres), height (200 ft), and waste stream (600 truckloads per day) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 - Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security, Midway, Cut and Shoot area. SH 105 is documented as one of the most dangerous roadways in Montgomery County as it is a two lane highway in a rapidly developing area. The site will be permitted to receive 600 truckloads of waste per day. That is 1,200 truck trips on SH 105 traveling in and out of the community. The intersection of MLS's new access road to SH 105 is 0.5 miles west of the intersection with North Walker Road and 1.0 mile west of the Security landfill driveway. This will create a dangerous traffic situation on SH 105. Minimum requirements for traffic safety in the area include widening SH 105 and adding a turn lane to accommodate traffic turning in and out of the landfill driveway. TXDOT has not released any information about mitigating the traffic situation in the Security, Midway, Cut & Shoot area.

There are many narrow two lane community roads in East Montgomery County that connect IH 45, IH 59 and SH 105 to residential areas and schools. I am very concerned that the additional truck traffic will exploit these roadway "shortcuts" endangering students, parents and teachers as they travel to Caney Creek High School, Moorehead Junior High School, Grangerland Intermediate School, Austin and Creighton Elementary Schools.

Comment 24 - Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant only. The result is not an accurate representation of the 100-yr floodplain and an inadequate design for retention ponds that manage effluent site drainage and storm runoff.

Comment 25 - Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Construction of the landfill will destroy the wetlands on the site and this has not been adequately addressed in the design. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off, leakage or flooding escaping from the site.

Comment 26 - Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the top of the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that the water supply for the entire area will be harmed by leakage from the site. Most of the residents in the area use groundwater for water supply.

Comment 27 - Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. The wells are screened at depths ranging from 30 to 250 ft. Most are screened in the Chico or Evangeline aquifers and all are at risk due to landfill liner failure. The Chico and the Evangeline aquifers serve as groundwater supply for Montgomery and Harris County. My well is screened in the Evangeline aquifer.

Comment 32 - Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree cover and becomes more acute as the landfill is built to higher elevations. This situation is not addressed in the permit design and it is not a prudent way for TCEQ to protect the community from potential health risks.

Response 33 - Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither applicant nor TCEQ have demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Ed Rinehart
Commissioner Pct. 4

ED RINEHART
COMMISSIONER PRECINCT 4
MONTGOMERY COUNTY

P.O. Box 84
New Caney, Texas 77357

Conroe: (936) 521-8919
New Caney: (281) 689-3161
Houston: (281) 354-8985 Ext. 8919
(281) 689-3133 Ext. 8919
Fax: (936) 521-8918

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 AUG 12 AM 9:52
CHIEF CLERKS OFFICE

August 9, 2005

Ms. LaDonna Castanuela
Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

MSW 378608

OPA

BY

Re: Montgomery Landfill Solutions, L.P.
MSW Permit No. 2324

Dear Ms. Castanuela:

This letter is being written on behalf of Montgomery County, Texas to request a contested case hearing on the above referenced permit application, Montgomery Landfill Solutions, L.P., MSW Permit No. 2324. The permit location is within the boundaries of Montgomery County, Texas and we have serious concerns relating to the landfill. Specifically, we are concerned about traffic on North Walker Road and State Highway 105, we are concerned about the height of the landfill not being appropriate to the surrounding communities, and we are concerned about the impact on drainage patterns from construction of the landfill.

Montgomery County passed a Resolution opposing this landfill. Therefore, I respectfully request a contested case hearing and I appreciate your consideration of this matter.

Sincerely,

Ed Rinehart
Commissioner Pct. 4

ER/jl

(1)

TCEQ Public Meeting Form

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:32
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Ed Rinehart

Address: P.O. Box 84

City/State: New Caney TX Zip: 77357

Phone: (281) 689-3161

☒ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Montgomery County Comm Pct #4

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Ed Rinehart

Address: Co. Commissioner Precinct 4
PO Box 84

City/State: New Caney, Tx **Zip:** 77357

Phone: 936-521-8169

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

~~Linda Stegman to Read for Mr. Rinehart~~

Please give this to the person at the information table. Thank you.

OPA 37868

MAR 10 2005

BY

ED RINEHART
COMMISSIONER PRECINCT 4
MONTGOMERY COUNTY

P.O. Box 84
New Caney, Texas 77357

Conroe: (936) 521-8919
New Caney: (281) 689-3161
Houston: (281) 354-8985 Ext. 8919
(281) 689-3133 Ext. 8919
Fax: (936) 521-8918

March 10, 2005

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
12100 Park 35 Circle
Austin, Texas 78753

Re: Montgomery Landfill Solutions, L.P. (MLS), Application for Municipal Solid Waste Permit No. 2324; Response to Notice of Application and Preliminary Decision

Dear Ms. Castañuela:

Due to a prior commitment, I am unable to attend the TCEQ Public Meeting of March 10, 2005. Consequently, I am writing this letter to oppose the location of the aforementioned proposed landfill and ask that my comments be entered into the formal record of these proceedings.

The location of the proposed landfill is 1.4 miles North of SH105 on North Walker Road. North Walker Road is a county owned road that provides residents of the Midway Community primary access to their properties. Allowing a commercial business to dominate a county residential road and risk the safety of its residents is unconscionable.

Immediately east of North Walker Road (0.5 miles) on SH 105, is Waste Management Security Landfill, Permit 1752. Based on a Traffic Study performed by Sitech Engineering Corp. in 2002, there were 378 east-bound and 53 west-bound vehicles that entered their landfill site (study attached). The Applicant, Montgomery Landfill Solutions, LP, has projected on opening day, there will be 255 vehicles entering their landfill site. SH 105 is a two lane state highway with heavy commercial traffic traveling between I-59 and I-45. The DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been one of the most dangerous roadways in Montgomery County. Not only will an additional 255 vehicles create congestion within in the Midway area, but will threaten the safety of residents and children in East Montgomery County. Large truck traffic will use I-45, I-59, local FM roads and nearby county roads to access the proposed site. These local roadways pass by several public school complexes, thus placing school children, teen drives, parents and teachers in extreme danger every day. The impacted schools are: Caney Creek , Moorehead, Grangerland, Austin Elementary, New Caney Elementary, and Keefer Crossing Middle School complex.

The Waste Management Security landfill (0.5 miles from North Walker Road) is currently amending their permit to enlarge their site to accommodate the waste needs for Montgomery County and surrounding counties for another 29 years. With the enlargement of this landfill facility, more waste trucks will be added to their current traffic of 400 vehicles per day. In fact, *with the enlargement of this facility, there should be no need for another landfill.*

Drainage problems throughout the vicinity of North Walker Road and surrounding subdivisions have existed for many years. Many of the properties and ditches in this Midway community hold water for several months out of the year. This is due to the southward *sloping of the terrain and* the numerous active creeks, tributaries and natural water ways that flow through and onto the proposed landfill site and the surrounding properties. The collection of these waters, standing for months within the boundaries of the landfill site and surrounding properties, have resulted in the development of wetlands throughout the area. The 56 acres of wetlands on the proposed landfill site have served as a deterrent to more flooding on the surrounding properties. Because of the continuous influx of water from the north, northeast and northwest, there are wetlands *surrounding the landfill site and throughout this area*; holding ponds where residents have captured and diverted flood waters to water their cattle and farm animals as well as provide fishing ponds; or, purposely constructed a pond to protect their home from flooding their property.

The drainage ditches are periodically and properly maintained by our Precinct 4 staff. They are cleaned out on a scheduled basis and made free from debris but with the continuous influx of run-off water from the creeks and tributaries, the problem of saturated ditches and standing water will remain a problem. This is not a matter whether the problem can be corrected, but rather, there is simply no place for the water to go in the 6-8 month period when the water table rises. Potential cross-contamination of our area resident's properties, water wells, agricultural watering ponds, creeks and tributaries is a serious factor that must be considered by TCEQ in your review of this Application.

I understand that TCEQ, upon completion of the Technical Review, made a condition of *permitting the landfill that MLS would reconstruct North Walker Road for heavy industrial use.* I would like to reiterate the facts: this is a community, residential county road. Reconstruction will not protect the children and families in this community but rather place them at high risk of being injured or killed.

The families in the surrounding Midway, Security and Cut and Shoot Community and their children who ride buses on this access road and connecting roads that leads into many subdivisions would be at risk. I am of the opinion that, <u>if this permit is granted</u>, an access road, dedicated for landfill use only, is needed to service this landfill. I believe this is the only responsible course of action. This access road could be possible, directly from SH 105. HOWEVER, this will not alleviate the growing congestion on SH 105 and the deadly impact an *additional 255 waste trucks will have on the Midway community.*

I would also like to point out that this area in Midway (between Cut and Shoot and Security), approximately 4 square miles, has significantly grown over the 3-4 years and continues to grow way beyond the 2000 census projections and the TXDot projections of a 2% increase per year. The current population and traffic increase is more closely associated with a 15% increase per year.

It is my understanding that only a 1 mile radius from the outer boundaries of the landfill is considered when evaluating community growth and land use. If the "affected" areas just 1.2, 1.4, 1.6 mile from the landfill were considered, 1,000's of properties would be a part of the equation including eating establishments, subdivisions, daycares, churches and other businesses.

This Midway and Security Community has already served Montgomery County and 4 surrounding counties for disposal of waste. To add another landfill within 1 mile of a current (Security Waste Management) landfill that will serve Montgomery County and the four surrounding counties for another 29 years is irresponsible.

Thank you for your consideration in this matter.

Sincerely yours,

Ed Rinehart
County Commissioner, Precinct 4
Montgomery County, Texas

37863
msw
PM

OPA

DEC 20 2004

BY

ED RINEHART
COMMISSIONER PRECINCT 4
MONTGOMERY COUNTY

P.O. Box 84
New Caney, Texas 77357

Conroe: (936) 521-8919
New Caney: (281) 689-3161
Houston: (281) 354-8985 Ext. 8919
(281) 689-3133 Ext. 8919
Fax: (936) 521-8918

December 14, 2004

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
MC-105
12100 Park 35 Circle
Austin, Texas 78753

Re: Montgomery Landfill Solutions, L.P. (MLS), Application for Municipal Solid Waste Permit No. 2324; Response to Notice of Application and Preliminary Decision

Dear Ms. Castañuela:

The purpose of this letter is to state my concerns and offer my opinions regarding the proposed site of the Montgomery Landfill Solutions, LP (MLS) landfill project off North Walker Road in Montgomery County, Texas. North Walker Road is a county owned road that provides residents of the Midway Community primary access to their properties.

Drainage problems throughout the vicinity of North Walker Road and surrounding subdivisions have existed for many years. Many of the properties and ditches in this Midway community hold water for several months out of the year. This is due to the southward sloping of the terrain and the numerous active creeks, tributaries and natural waterways that flow through and onto the proposed landfill site and the surrounding properties. The collection of these waters, standing for months within the boundaries of the landfill site and surrounding properties, have resulted in the development of wetlands throughout the area. The 56 acres of wetlands on the proposed landfill site have served as a deterrent to more flooding of the surrounding properties. Because of the continuous influx of water from the north, northeast, and northwest, holding ponds where residents have captured and diverted floodwaters to water their cattle and farm animals as well as provide fishing ponds; were purposely constructed to protect their homes from flooding their property.

Our Precinct 4 staff periodically and properly maintain the drainage ditches. They are cleaned out on a scheduled basis and made free from debris but with the continuous influx of run-off water from the creeks and tributaries, the problem of saturated ditches and standing water will remain a problem. This is not a matter of whether the problem can be corrected, but rather, there is simply no place for the water to go in the 6-8 month period when the water table rises. Potential cross-contamination of our area resident's properties, water wells, agricultural watering ponds, creeks, and tributaries is a serious factor that should be considered by TCEQ in your review of this Application.

I understand that TCEQ, upon completion of the Technical Review, made a condition of permitting the landfill that MLS would reconstruct North Walker Road for heavy industrial use. It is my opinion that the drainage problems will continue to exist even if reconstruction of North Walker Road takes place.

Additionally, safety is a major concern of mine for the residents in my Precinct. In this instance the families in the surrounding Midway, Security and Cut and Shoot Community and their children who ride buses on this access road and connecting roads that leads into many subdivisions would be at risk. I am of the opinion that, <u>if this permit is granted</u>, an access road, dedicated for landfill use only, is needed to service this landfill. I feel this is the only responsible course of action. This access road could be possible, directly from SH 105. Although this will not alleviate the growing congestion on SH 105, it would most certainly help to protect the residents and children on this totally residential populated county road.

I would also like to point out that this area in Midway (between Cut and Shoot and Security), approximately 4 square miles, has significantly grown over the last 3-4 years and continues to grow way beyond the 2000 census projections and the TXDot projections of a 2% increase per year. The current population and traffic increase is more closely associated with a 15% increase per year.

It is my understanding that only a 1-mile radius <u>from the outer boundaries of the landfill</u> is considered when evaluating community growth and land use. If the "affected" areas just 1.2, 1.4, 1.6 mile from the landfill were considered, thousands of properties would be a part of the equation including eating establishments, subdivisions, daycares, churches and other businesses.

This Midway and Security Community has already served Montgomery County and four surrounding counties for disposal of waste. To add another landfill within 1 mile of a current (Security Waste Management) landfill that will serve Montgomery County and the four surrounding counties for another 29 years in unconscionable.

I am requesting that a public meeting be held in Montgomery County, Texas. Thank you for your consideration in this matter.

Sincerely yours,

Ed Rinehart
Commissioner, Precinct 4

~~did not speak~~

Spoke 3RD

elected official

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:40
CHIEF CLERKS OFFICE

PLEASE PRINT: The Honorable

Name: Ed Rinehart

Address: P.O. Box 84

City/State: New Caney TX Zip: 77357

Phone: (281) 689-3161

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? Montgomery County Commissioner

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37686
MSW

OPA RECEIVED

AUG 09 2004

AT PUBLIC MEETING

2004 AUG 11 PM 2:45
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

I live next door to the proposed landfill site and my property is downhill and much lower than the landfill property. I get the massive run off that washes down in my and through my yard and as well washes away my driveway. **I am deeply concerned that these floodwaters from your landfill will contaminate my water, garden, and harm my poultry and animals.** I am extremely concerned about **the emissions and pollutants that your landfill will be introducing into our environment. Most of my family suffers from Asthma and we will have no choice but to breathe these airborne contaminates that you will bring to our home**. Gentlemen I have **Lupus, Rheumatory Arthritis, Midcell Connected Disease as well as severe Asthma.** I must try to control and keep my environment as clean and as free as I can from chemicals and pollutants in order to simply live with these debilitating diseases. My organic foods that I grow are important to my survival and your introduction of **viroids** into my garden will have a significant impact to my health and to my families' health. The **prions** that could be passed on to my family from my chickens or their eggs could prove fatal to me. Friday when the drilling truck pulled into the landfill driveway and the gentlemen said that he was using hydrochloric acid my heart began to sink. I cannot bear to think of what else will be brought into our environment if allowed to operate here in our neighborhood.

There is no way out of my property should your landfill have a **fire.** N. Walker Road is the access to my home and many communities and we would have no escape if a fire should erupt. Are you aware that we only have volunteer fire departments to help us and they are in the next town? We have a terrible response time where we live.

I cannot emphasize enough the issue of **flooding** where we live. We have lived here in Midway for many years and I promise you that even a small rain produces enough water to saturate our ditches and come over N. Walker Road. The deforestation that has occurred on that property over the last few years has magnified an already bad situation. The place where you want to put the landfill is just like parts of my property, and that is swampland. The signs that are posted on and around your property that say wetlands are there for a reason. Our **wildlife and migratory birds** frequent these areas and depend on this area for their needs. This simply is not suitable land to put a landfill of any kind.

I ask that you do not grant M.L.S. a permit for this particular landfill as the effects it would be would be detrimental to my families' health and could even cost us our lives. It is just not worth the risk and hazards that the project presents.

Thank you for considering the health and safety of the community in your decision and thank you for coming here to our county to hold these public meetings.

Respectfully,
I would like to formally request a contested case hearing for this permit

Carla Robles
3375 N. Walker Road
Cleveland, TX 77328
Ph. (281) 432-2342

cc: Senator-Todd Staples, Senator-Tommy Williams, and Representative-Ruben Hope Jr.
Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart
County Commissioner Pct. 2 Craig Doyal, County Commissioner Pct 1 Mike Meador
County Commissioner Pct. 3 E Change, HGACG Solid Waste Program Manager-Cheryl Mergo

~~I request a contested proposed hearing~~

22

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:45
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLEASE PRINT:

Name: Carla Robles

Address: 3375 N. Walker

City/State: Cleveland **Zip:** 77328

Phone: (281) 432 2342

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

I am to ill to have a toxic dump next door to my house

K 3W
378608

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:10

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.3 miles from the proposed landfill and less than 0.5 miles from the entrance at SH 105. My address is 561 Coburn Rd, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

MW

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

LPR

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area. This stretch of SH 105 is known to be one of the most dangerous roadways in the area. I am very concerned that this area will never have safe roadways for community residents and their children.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

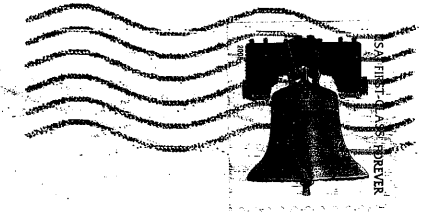
Sincerely

Terry Rollins Terry L. Rollins

T.L.R.

Terry Rollins
561 Colburn Rd
Cleveland TX 77328

HOUSTON TX 772
23 MAR 2009 PM 2 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 24 AM 10: 15

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

OPA
JAN 24 2008
BY BP

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- TERRY E. Rollins
Address- 561 Coburn Rd Cleveland Tx
Phone- 832-2333566

Distance from proposed site-

Negative impact to my health, safety and property will be - smell + water well

Sincerely

Terry E. Rollins

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
37808

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2009 MAR 26 AM 10: 36

CHIEF CLERKS OFFICE

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1300 feet east of the proposed landfill and my address is 18720 Oakridge Drive. I live near the community of Cleveland. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Maria Ronberg

Maria T. Ronberg
18720 Oakridge Drive
Cleveland TX 77328

HOUSTON TX 772
24 MAR 2009 PM 5 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
37808

OPA

4

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:10

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 2 miles south west of the proposed landfill and my address is 199 Emerson. I live near the community of Cut N Shoot. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Alexandra Ronngren

Alexandra Ronngren
199 Emerson
Conroe Tx 77306

HOUSTON TX 772

23 MAR 2009 PM 2 L

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 12 AM 10: 26

CHIEF CLERKS OFFICE

November 19, 2007

HR OPA PM

DEC 12 2007

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Delores Roost
Address- 18770 Oakridge Dr. Cleveland
Phone- 281-592-1167

Distance from proposed site- appro. 1½ mi.

Negative impact to my health, safety and property will be - I'm mostly concerned with contamination of our well, also with the high volume of Traffic in the area. I'm concerned that having a waste site in our area will greatly reduce the value of our properties.

Sincerely
Delores Roost

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Delores Roost
18770 Oakridge Dr.
Cleveland, Tx. 77328

N HOUSTON TX 773
10 DEC 2007 PM 6 L

HAPPY HOLIDAYS
USA First-Class

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
PO Box 13087
Austin, Tx.
78711-3087

RECEIVED
DEC 12 2007
TCEQ MAIL CENTER
RB

78711$3087

NE.V
378608

Via facsimile: (512) 239-3311
and surface mail

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 AM 11: 29

CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 2.0 miles from the proposed landfill and my address is 16458 Crockett Forest Drive, Conroe, TX 77306. I live in Cut & Shoot area. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

DR MR

MW

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

DR M.R.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

DR MR.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324. I respectfully request that you build this supposedly safe landfill in your neighborhood where you can drink the water and your children can bath in it.

Sincerely

✓ ✓
Daniel and Mary Rosales

Daniel Rosales
Mary Rosales

DR MR.

David & Mary Rosales
16458 Crockett Forest Dr.
Conroe, TX 77306

HOUSTON TX 772
23 MAR 2009 PM 1 L

USA FIRST-CLASS MAIL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 AM 11:29
CHIEF CLERKS OFFICE

RECEIVED
MAR 25 2009
TCEQ MAIL CENTER
AJ

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

37862

August 09, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PM
H

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

2004 AUG 11 PM 1:03
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Pedro Rosales Jr. I am a resident in the area and I am concerned about:

We bought 5 acres in 1980, the future being that of my children + now grandchildren. Water pollution and air pollution will be damaged for the future to come. The trash that will be littered in the streets that is present at McCarty Landfill in Houston TX. We moved to Conroe, because it was clean + free of air pollutants and now that these large dump trucks that will go by speeding of diesel will pollute the air and damage our roads and cause hazard to children ~~in~~ on our roads on their way to school.
P.S. We already have 2 landfills in our neighborhood we don't need a third.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Pedro Rosales Jr.
Address: 16381 Crockett Forest Dr.
City, State, & Zip Conroe TX 77306
Phone: 281-414-2314

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 AM 3:03
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Mr. & Mrs. Pedro & Refugia Rosales

Address: 16471 Crockett Forest Dr.

City/State: Conroe TX. **Zip:** 77306

Phone: (936) 264-4223

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

MSW
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 DEC 17 PM 3:03

CHIEF CLERKS OFFICE

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe: (936) 539-7812
Houston: (281) 353-9791
Fax: (936) 760-6919

December 10, 2007

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 3087
Austin, TX 78711-3087

OPA
PM DEC 18 2007
H BY

Re: Meeting Place for Montgomery County Landfill Solutions
Amended Permit Application MSW #2324 Hearing

Dear Ms. Castanuela,

We have a fairly large group of county residents interested in attending any hearings regarding Montgomery County Landfill. I would like to offer the use of the Lone Star Convention Center, located at 9055 FM 1484 here in Conroe, for hearing #MSW 2324.

THEREFORE, THIS LETTER FORMALLY REQUEST THE FOLLOWING:

1. A 3rd Public Meeting to answer public inquiries as to road configuration changes, increased truck traffic and other issues;
   and
2. To allow the many new homestead residents in the general area to fully inform themselves of this administrative process;
   and
3. A **contested case hearing**

If you would please call my Administrative Assistant, Sylvia Olszowy, as to the time and date(s) the MSW #2324 hearing will be, she can then coordinate with the convention center for the reservation of space.

Thank you, and if you have any questions, please give me a call.

Sincerely,

Alan B. Sadler

cc: Commissioner Ed Rinehart
Senator Robert Nichols
State Representative Brandon Creighton
Senator Tommy Williams
CAML
Jeff McClanahan

MW

MSW 37868

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe: (936) 539-7812
Houston: (281) 353-9791
Fax: (936) 760-6919

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 17 PM 1:39
CHIEF CLERKS OFFICE

December 10, 2007

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 3087
Austin, TX 78711-3087

PM OPA
DEC 18 2007
H BY

Re: Meeting Place for Montgomery County Landfill Solutions
Amended Permit Application MSW #2324 Hearing

Dear Ms. Castanuela,

We have a fairly large group of county residents interested in attending any hearings regarding Montgomery County Landfill. I would like to offer the use of the Lone Star Convention Center, located at 9055 FM 1484 here in Conroe, for hearing #MSW 2324.

THEREFORE, THIS LETTER FORMALLY REQUEST THE FOLLOWING:

1. A 3rd Public Meeting to answer public inquiries as to road configuration changes, increased truck traffic and other issues;

   and

2. To allow the many new homestead residents in the general area to fully inform themselves of this administrative process;

   and

3. A **contested case hearing**

If you would please call my Administrative Assistant, Sylvia Olszowy, as to the time and date(s) the MSW #2324 hearing will be, she can then coordinate with the convention center for the reservation of space.

Thank you, and if you have any questions, please give me a call.

Sincerely,

Alan B. Sadler

cc: Commissioner Ed Rinehart
Senator Robert Nichols
State Representative Brandon Creighton
Senator Tommy Williams
CAML
Jeff McClanahan

MW

MSW 37868

PM OPA HR
DEC 11 2007
BY PM

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe: (936) 539-7812
Houston: (281) 353-9791
Fax: (936) 760-6919

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 10 PM 4:06
CHIEF CLERKS OFFICE

December 10, 2007

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 3087
Austin, TX 78711-3087

Re: Meeting Place for Montgomery County Landfill Solutions
Amended Permit Application MSW #2324 Hearing

Dear Ms. Castanuela,

We have a fairly large group of county residents interested in attending any hearings regarding Montgomery County Landfill. I would like to offer the use of the Lone Star Convention Center, located at 9055 FM 1484 here in Conroe, for hearing #MSW 2324.

THEREFORE, THIS LETTER FORMALLY REQUEST THE FOLLOWING:

1. A 3rd Public Meeting to answer public inquiries as to road configuration changes, increased truck traffic and other issues;
   and
2. To allow the many new homestead residents in the general area to fully inform themselves of this administrative process;
   and
3. A **contested case hearing**

If you would please call my Administrative Assistant, Sylvia Olszowy, as to the time and date(s) the MSW #2324 hearing will be, she can then coordinate with the convention center for the reservation of space.

Thank you, and if you have any questions, please give me a call.

Sincerely,

Alan B. Sadler

cc: Commissioner Ed Rinehart
Senator Robert Nichols
State Representative Brandon Creighton
Senator Tommy Williams
CAML
Jeff McClanahan

MW

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 10 PM 4:06
CHIEF CLERKS OFFICE

FAX

Page 1 of 2 Pages

Date: Dec. 10, 2007

Time: 4:00 pm

To: Ms. LaDonna Castanuela

Company: T C E Q

Fax #: 512-239-3311

From: Alan B. Sadler

Company: Montgomery County Judge

Phone: (936) 539-7812

Fax #: (936) 760-6919

✓ Info Only ___ Pls Reply ___ URGENT ___ Confidential

Message:

FAXED

MSW
378

OPA
APR 07 2009
BY 37

RECEIVED
APR 02 2009
Texas Commission on Environmental Quality
Commissioners' Offices

RECEIVED BY OPA
TRACKING #
ASSIGNED TO:
APR 06 2009
DUE DATE:

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe: (936) 539-7812
Houston: (281) 353-9791
Fax: (936) 760-6919

March 26, 2009

VIA facsimile: (512) 239-3311
w/ Follow-up Hardcopy by Mail

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 APR -6 PM 2:05
CHIEF CLERKS OFFICE

Chairman Buddy Garcia
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

w/ additional copy to:
Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions Permit #2324

Dear Chairman Garcia:

I am very concerned about the proposed permit for the subject landfill project in Montgomery County. I am fully aware of the TCEQ permit process, and I know there have been numerous requests for a contested case hearing. While Montgomery County, as a governmental entity, has not taken an active role before the TCEQ in this case, its non-action should not be viewed as acceptance or indifference. The Commissioners Court has followed this case carefully, but was forced to direct the resources of the County to other issues in deference to the TCEQ authority over regulating landfills. But, in view of rising opposition to this landfill project by many citizens and disciplines in Montgomery County, I am compelled to urge TCEQ's careful consideration of this case. As public officials, it is our responsibility to act in the best interest of the citizens of our State to protect their natural resources and to prevent water, air and soil pollution. While I recognize landfills have a valid purpose, the TCEQ should be especially concerned with the risks inherent to this particular project, not only to the State's natural resources and to the environment, but also to the well-being of residents who will be forced to endure the hardships of having such a facility in their backyard. I would like to address a few of the issues material to your consideration of this permit request:

1. Public notices of the neighborhood meetings to be held on this case were blatantly inadequate. First, the Spanish-speaking community was sadly overlooked, because the first three notices of meetings on the permit were published only in English – three years prior to any kind of notice in Spanish, and then inviting comments only on the roadway amendment. There is a rapidly-growing Hispanic community in Montgomery County; they should be accorded the same rights to notice and an opportunity to be heard as anyone else. Second, the notices that were issued were incomplete and did not provide adequate

information as to aspects of the site planning, construction and operation to put persons on notice of the specifics of the permit request. Third, the public meetings were held in improper venues not conducive to the size of the crowds attending. Finally, the meetings were too restrictive in the manner attendees were allowed to participate, with limitations or prohibitions on opportunities to ask questions.

2. There is clear opposition of state officials to a landfill in the environs of the Sam Houston National Forest. The Montgomery County Commissioners Court (in January, 2004), State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope all have formally opposed this landfill project. I urge you to heed the concerns of the elected officials who have consulted with their constituents and examined the pros and cons of permitting a project of this nature in their jurisdiction.

3. TCEQ has obviously recognized some of the flaws in the application filed by Montgomery Landfill Solutions by allowing additional time – more than one year – for the company to purchase additional property to accommodate a necessary private roadway, and there were several protracted proceedings to address Notices of Deficiency.

4. The TCEQ should seriously consider whether this landfill project is necessary, particularly in view of the Waste Management Security Landfill which is already in existence a mere 1 ½ miles away from the proposed project site, and which has been determined to be adequate for Montgomery County waste needs for the next 25-30 years. The proposed landfill would accept waste from Harris, Waller, Liberty, San Jacinto and perhaps other Counties, and would not be necessary for waste generated in Montgomery County. I do not believe the TCEQ mandate would support a legitimate public purpose in requiring one county to be a dumping ground for waste from other counties.

5. TCEQ cannot ignore the increased traffic problem that would be experienced in Montgomery County with the anticipated number of trucks that would be using County roadways, particularly those in the area of the site which were not constructed to accommodate the traffic volume that would be inherent with this project. Traffic for one landfill is hard enough to bear, without increasing the threat to public safety by forcing upon those residents a second traffic-generating operation only 1 1/2 miles away.

6. Montgomery Landfill Solutions has failed to demonstrate any positive impact on Montgomery County and, more particularly, the communities in the vicinity of the proposed landfill site. There is no benefit to offset the inconveniences, discomfort, public safety hazard and reduction in property values that will certainly be felt by the area residents if that project is allowed to move forward. The adverse impact on the area residents for a second landfill site to be operated in their neighborhood would be devastating.

There are many negative aspects of the project that must be addressed, and I urge you and Commissioners Soward and Shaw to demand a more complete and thorough review of this landfill project application before you. I am confident your review will confirm that this project does not comply with applicable statutory and administrative requirements, and that this project would be extremely detrimental to the health and safety of Montgomery County residents.

Sincerely,

Alan B. Sadler

MSW
378268

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe: (936) 539-7812
Houston: (281) 353-9791
Fax: (936) 760-6919

March 26, 2009

VIA facsimile: (512) 239-3311
w/ Follow-up Hardcopy by Mail

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 APR -2 AM 10: 03
CHIEF CLERKS OFFICE

Chairman Buddy Garcia
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

OPA
APR 02 2009
BY _____

w/ additional copy to:
Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions Permit #2324

Dear Chairman Garcia:

I am very concerned about the proposed permit for the subject landfill project in Montgomery County. I am fully aware of the TCEQ permit process, and I know there have been numerous requests for a contested case hearing. While Montgomery County, as a governmental entity, has not taken an active role before the TCEQ in this case, its non-action should not be viewed as acceptance or indifference. The Commissioners Court has followed this case carefully, but was forced to direct the resources of the County to other issues in deference to the TCEQ authority over regulating landfills. But, in view of rising opposition to this landfill project by many citizens and disciplines in Montgomery County, I am compelled to urge TCEQ's careful consideration of this case. As public officials, it is our responsibility to act in the best interest of the citizens of our State to protect their natural resources and to prevent water, air and soil pollution. While I recognize landfills have a valid purpose, the TCEQ should be especially concerned with the risks inherent to this particular project, not only to the State's natural resources and to the environment, but also to the well-being of residents who will be forced to endure the hardships of having such a facility in their backyard. I would like to address a few of the issues material to your consideration of this permit request:

1. Public notices of the neighborhood meetings to be held on this case were blatantly inadequate. First, the Spanish-speaking community was sadly overlooked, because the first three notices of meetings on the permit were published only in English – three years prior to any kind of notice in Spanish, and then inviting comments only on the roadway amendment. There is a rapidly-growing Hispanic community in Montgomery County; they should be accorded the same rights to notice and an opportunity to be heard as anyone else. Second, the notices that were issued were incomplete and did not provide adequate

information as to aspects of the site planning, construction and operation to put persons on notice of the specifics of the permit request. Third, the public meetings were held in improper venues not conducive to the size of the crowds attending. Finally, the meetings were too restrictive in the manner attendees were allowed to participate, with limitations or prohibitions on opportunities to ask questions.

2. There is clear opposition of state officials to a landfill in the environs of the Sam Houston National Forest. The Montgomery County Commissioners Court (in January, 2004), State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope all have formally opposed this landfill project. I urge you to heed the concerns of the elected officials who have consulted with their constituents and examined the pros and cons of permitting a project of this nature in their jurisdiction.

3. TCEQ has obviously recognized some of the flaws in the application filed by Montgomery Landfill Solutions by allowing additional time – more than one year – for the company to purchase additional property to accommodate a necessary private roadway, and there were several protracted proceedings to address Notices of Deficiency.

4. The TCEQ should seriously consider whether this landfill project is necessary, particularly in view of the Waste Management Security Landfill which is already in existence a mere 1 ½ miles away from the proposed project site, and which has been determined to be adequate for Montgomery County waste needs for the next 25-30 years. The proposed landfill would accept waste from Harris, Waller, Liberty, San Jacinto and perhaps other Counties, and would not be necessary for waste generated in Montgomery County. I do not believe the TCEQ mandate would support a legitimate public purpose in requiring one county to be a dumping ground for waste from other counties.

5. TCEQ cannot ignore the increased traffic problem that would be experienced in Montgomery County with the anticipated number of trucks that would be using County roadways, particularly those in the area of the site which were not constructed to accommodate the traffic volume that would be inherent with this project. Traffic for one landfill is hard enough to bear, without increasing the threat to public safety by forcing upon those residents a second traffic-generating operation only 1 1/2 miles away.

6. Montgomery Landfill Solutions has failed to demonstrate any positive impact on Montgomery County and, more particularly, the communities in the vicinity of the proposed landfill site. There is no benefit to offset the inconveniences, discomfort, public safety hazard and reduction in property values that will certainly be felt by the area residents if that project is allowed to move forward. The adverse impact on the area residents for a second landfill site to be operated in their neighborhood would be devastating.

There are many negative aspects of the project that must be addressed, and I urge you and Commissioners Soward and Shaw to demand a more complete and thorough review of this landfill project application before you. I am confident your review will confirm that this project does not comply with applicable statutory and administrative requirements, and that this project would be extremely detrimental to the health and safety of Montgomery County residents.

Sincerely,

Alan B. Sadler

37868
nsw
HR OPA
NOV 17 2004
BY

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe (936) 539-7812
Houston (281) 353-9791
Fax (936) 760-6919

November 12, 2004
Certified Mail - Return receipt requested

Office of the Chief Clerk
MC 105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solutions Proposed Permit # 2324
Montgomery County, Texas

Dear Sir,

Please let this letter be considered a formal request for a hearing or rehearing on the proposed landfill.

Please inform me as to the time, date, and place of such hearing. We respectfully would ask that such a hearing be held in Conroe, Texas.

I will wait for your reply.

Very truly yours,

Alan B. Sadler

RECEIVED

APR 26 2004

Air & Waste Applications Team

H

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe (936) 539-7812
Houston (281) 353-9791
Fax (936) 760-6919

April 20, 2004

OPA

APR 28 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 28 AM 9: 22
CHIEF CLERKS OFFICE

Texas Commissioner on Environmental Quality
Donald D. Nelon, Team Leader
Permits Administrative Review Section
Registration, Review, and Reporting Division
P O Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P.
Municipal Solid Waste Permit Number 2324
Regulated Entity Number: RN104006879
Customer Reference Number: CN602494320
Proposed Type IV Landfill Permit

Dear Mr. Nelon:

I am in receipt of your notification letter regarding the above-referenced Type IV Landfill Permit.

Please find enclosed a Resolution AGAINST Montgomery County Landfill Solutions, L.P. application for a landfill permit in Montgomery County, Texas. We are against this landfill for the reasons listed on the Resolution.

I would like to request that a Public Hearing on this landfill site be scheduled and held here in Montgomery County. Please advise my office when and where this Public Hearing will be held.

If you need any additional information, please feel free to contact me.

Sincerely,

Alan B. Sadler

Enclosure

#4
1-26-04

RESOLUTI
AGAINST
MONTGOMERY COUNTY LANDFILL SOLUTIONS, L.P.

WHEREAS, on December 2, 2002, Montgomery County Commissioners Court passed a resolution in support of Montgomery County Landfill Solutions, L.P. building a type IV municipal solid waste facility on approximately 473 acres of land on North Walker Road, Montgomery County, Texas; and

WHEREAS, the study for the proposed facility was based on a 1997 statistics and information specifically omitted the current development in the existing area that includes approximately 300 homes; and

WHEREAS, North Walker Road is a 21 foot wide road; and

WHEREAS, MSLS is anticipating 239 vehicles per day at start up and 335 vehicles per day at closure and the current peak hour of vehicles per day is 174. MLSL had documented the estimated hourly capacity is 202 vehicles per day. By admission by the applicant (MSLS), this road is not constructed to sustain the traffic volume; and

WHEREAS, additional development in the area is contemplated and in fact platted that would include up to 1000 homes and / or mobiles homes; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 - 15 years AND location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and fatalities would in fact no doubt occur; and

WHEREAS, the proposed land fill site is located within the 50 year flood plain with two active creeks bordering the east and west side, Lawrence Creek and West Fork Spring Branch Creek and construction of such facility in the 50 year flood plain bordered by two creeks would ultimately contaminate water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, Montgomery County is and continues to be the dumping ground for approximately a six county area but primarily benefits Harris County. It is time for other counties in the immediate region to mutually shoulder the burden of having their proportionate share of landfills that would take construction waste, demolition, debris and household garbage; and

WHEREAS, Montgomery County Commissioners Court on December 2, 2002 was not aware of many of the issues contained in this resolution at the time it supported Montgomery County Landfill Solutions, L.P.; and

WHEREAS, Montgomery County Commissioners Court has fully investigated locations, demographics, and other issues associated with this proposed facility and hereby recommends to the Texas Commission on Environmental Quality that they not approve a permit for any type of landfill on the subject 473 acres of land located on or near North Walker Road, Montgomery County, Texas.

NOW THEREFORE BE IT RESOLVED that Montgomery County Commissioners Court does hereby **RESCIND** it's resolution of December 2, 2002 and does in fact **OBJECT** to the permitting of the proposed facility in Montgomery County, Texas.

Alan B. Sadler, County Judge

Mike Meador, Commissioner, Pct. 1

Ed Chance, Commissioner, Pct. 3

Craig Doyal, Commissioner, Pct. 2

Ed Rinehart, Commissioner, Pct. 4

Attest:

Mark Turnbull, County Clerk

RECEIVED

APR 26 2004

Air & Waste Applications Team

H

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe (936) 539-7812
Houston (281) 353-9791
Fax (936) 760-6919

April 20, 2004

OPA

APR 26 2004

BY

Texas Commissioner on Environmental Quality
Donald D. Nelon, Team Leader
Permits Administrative Review Section
Registration, Review, and Reporting Division
P O Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P.
Municipal Solid Waste Permit Number 2324
Regulated Entity Number: RN104006879
Customer Reference Number: CN602494320
Proposed Type IV Landfill Permit

Dear Mr. Nelon:

I am in receipt of your notification letter regarding the above-referenced Type IV Landfill Permit.

Please find enclosed a Resolution AGAINST Montgomery County Landfill Solutions, L.P. application for a landfill permit in Montgomery County, Texas. We are against this landfill for the reasons listed on the Resolution.

I would like to request that a Public Hearing on this landfill site be scheduled and held here in Montgomery County. Please advise my office when and where this Public Hearing will be held.

If you need any additional information, please feel free to contact me.

Sincerely,

Alan B. Sadler

Enclosure

RESOL... IO
AGAINST
MONTGOMERY COUNTY LANDFILL SOLUTIONS, L.P.

#4
1-26-04

WHEREAS, on December 2, 2002, Montgomery County Commissioners Court passed a resolution in support of Montgomery County Landfill Solutions, L.P. building a type IV municipal solid waste facility on approximately 473 acres of land on North Walker Road, Montgomery County, Texas; and

WHEREAS, the study for the proposed facility was based on a 1997 statistics and information specifically omitted the current development in the existing area that includes approximately 300 homes; and

WHEREAS, North Walker Road is a 21 foot wide road; and

WHEREAS, MSLS is anticipating 239 vehicles per day at start up and 335 vehicles per day at closure and the current peak hour of vehicles per day is 174. MLSL had documented the estimated hourly capacity is 202 vehicles per day. By admission by the applicant (MSLS), this road is not constructed to sustain the traffic volume; and

WHEREAS, additional development in the area is contemplated and in fact platted that would include up to 1000 homes and / or mobiles homes; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 - 15 years AND location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and fatalities would in fact no doubt occur; and

WHEREAS, the proposed land fill site is located within the 50 year flood plain with two active creeks bordering the east and west side, Lawrence Creek and West Fork Spring Branch Creek and construction of such facility in the 50 year flood plain bordered by two creeks would ultimately contaminate water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, Montgomery County is and continues to be the dumping ground for approximately a six county area but primarily benefits Harris County. It is time for other counties in the immediate region to mutually shoulder the burden of having their proportionate share of landfills that would take construction waste, demolition, debris and household garbage; and

WHEREAS, Montgomery County Commissioners Court on December 2, 2002 was not aware of many of the issues contained in this resolution at the time it supported Montgomery County Landfill Solutions, L.P.; and

WHEREAS, Montgomery County Commissioners Court has fully investigated locations, demographics, and other issues associated with this proposed facility and hereby recommends to the Texas Commission on Environmental Quality that they not approve a permit for any type of landfill on the subject 473 acres of land located on or near North Walker Road, Montgomery County, Texas.

NOW THEREFORE BE IT RESOLVED that Montgomery County Commissioners Court does hereby **RESCIND** it's resolution of December 2, 2002 and does in fact **OBJECT** to the permitting of the proposed facility in Montgomery County, Texas.

Alan B. Sadler, County Judge

Mike Meador, Commissioner, Pct. 1

Ed Chance, Commissioner, Pct. 3

Craig Doyal, Commissioner, Pct. 2

Ed Rinehart, Commissioner, Pct. 4

Attest:

Mark Turnbull, County Clerk

MSW
37828

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe: (936) 539-7812
Houston: (281) 353-9791
Fax: (936) 760-6919

March 26, 2009

VIA facsimile: (512) 239-3311
w/ Follow-up Hardcopy by Mail

OPA

BY _____

Chairman Buddy Garcia
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

w/ additional copy to:
Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk -- MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 30 AM 10: 16
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions Permit #2324

Dear Chairman Garcia:

I am very concerned about the proposed permit for the subject landfill project in Montgomery County. I am fully aware of the TCEQ permit process, and I know there have been numerous requests for a contested case hearing. While Montgomery County, as a governmental entity, has not taken an active role before the TCEQ in this case, its non-action should not be viewed as acceptance or indifference. The Commissioners Court has followed this case carefully, but was forced to direct the resources of the County to other issues in deference to the TCEQ authority over regulating landfills. But, in view of rising opposition to this landfill project by many citizens and disciplines in Montgomery County, I am compelled to urge TCEQ's careful consideration of this case. As public officials, it is our responsibility to act in the best interest of the citizens of our State to protect their natural resources and to prevent water, air and soil pollution. While I recognize landfills have a valid purpose, the TCEQ should be especially concerned with the risks inherent to this particular project, not only to the State's natural resources and to the environment, but also to the well-being of residents who will be forced to endure the hardships of having such a facility in their backyard. I would like to address a few of the issues material to your consideration of this permit request:

1. Public notices of the neighborhood meetings to be held on this case were blatantly inadequate. First, the Spanish-speaking community was sadly overlooked, because the first three notices of meetings on the permit were published only in English -- three years prior to any kind of notice in Spanish, and then inviting comments only on the roadway amendment. There is a rapidly-growing Hispanic community in Montgomery County; they should be accorded the same rights to notice and an opportunity to be heard as anyone else. Second, the notices that were issued were incomplete and did not provide adequate

MW

information as to aspects of the site planning, construction and operation to put persons on notice of the specifics of the permit request. Third, the public meetings were held in improper venues not conducive to the size of the crowds attending. Finally, the meetings were too restrictive in the manner attendees were allowed to participate, with limitations or prohibitions on opportunities to ask questions.

2. There is clear opposition of state officials to a landfill in the environs of the Sam Houston National Forest. The Montgomery County Commissioners Court (in January, 2004), State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope all have formally opposed this landfill project. I urge you to heed the concerns of the elected officials who have consulted with their constituents and examined the pros and cons of permitting a project of this nature in their jurisdiction.

3. TCEQ has obviously recognized some of the flaws in the application filed by Montgomery Landfill Solutions by allowing additional time - more than one year – for the company to purchase additional property to accommodate a necessary private roadway, and there were several protracted proceedings to address Notices of Deficiency.

4. The TCEQ should seriously consider whether this landfill project is necessary, particularly in view of the Waste Management Security Landfill which is already in existence a mere 1 ½ miles away from the proposed project site, and which has been determined to be adequate for Montgomery County waste needs for the next 25-30 years. The proposed landfill would accept waste from Harris, Waller, Liberty, San Jacinto and perhaps other Counties, and would not be necessary for waste generated in Montgomery County. I do not believe the TCEQ mandate would support a legitimate public purpose in requiring one county to be a dumping ground for waste from other counties.

5. TCEQ cannot ignore the increased traffic problem that would be experienced in Montgomery County with the anticipated number of trucks that would be using County roadways, particularly those in the area of the site which were not constructed to accommodate the traffic volume that would be inherent with this project. Traffic for one landfill is hard enough to bear, without increasing the threat to public safety by forcing upon those residents a second traffic-generating operation only 1 1/2 miles away.

6. Montgomery Landfill Solutions has failed to demonstrate any positive impact on Montgomery County and, more particularly, the communities in the vicinity of the proposed landfill site. There is no benefit to offset the inconveniences, discomfort, public safety hazard and reduction in property values that will certainly be felt by the area residents if that project is allowed to move forward. The adverse impact on the area residents for a second landfill site to be operated in their neighborhood would be devastating.

There are many negative aspects of the project that must be addressed, and I urge you and Commissioners Soward and Shaw to demand a more complete and thorough review of this landfill project application before you. I am confident your review will confirm that this project does not comply with applicable statutory and administrative requirements, and that this project would be extremely detrimental to the health and safety of Montgomery County residents.

Sincerely,

Alan B. Sadler

(1)

Spoke at start of meeting

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: The Honorable Alan B. Sadler, Co. Judge

Address:

City/State: Zip:

Phone: (936) 539-7812

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? Montgomery County Judge

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37868
MSW

OPA

DEC 20 2004

BY

ALAN B. SADLER
COUNTY JUDGE
MONTGOMERY COUNTY

301 N. Thompson, Suite 210
Conroe, Texas 77301
E-Mail: bsadler@co.montgomery.tx.us

Conroe (936) 539-7812
Houston (281) 353-9791
Fax (936) 760-6919

December 15, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 DEC 20 AM 10:13
CHIEF CLERKS OFFICE

LaDonna Castanuela
Chief Clerk
T C E Q
P O Box 13087, MC-105
Austin, TX 78711-3087

Re: Notice of Application and Preliminary Decision
Montgomery Landfill Solutions, LP
Proposed Permit Number 2324

Dear Ms. Castanuela:

The purpose of this letter is to state and re-state my concerns regarding the proposed site of the Montgomery Landfill Solutions, LP landfill project off of North Walker Road in Montgomery County, Texas.

Safety is a major issue with this project. North Walker Road is a county road that provides primary access to many residences in the Midway Community of Montgomery County. This road is used to transport school age children by school bus to neighborhood schools. The amount of truck traffic on this road is of utmost concern when these children are being transported to and from school. Highway 105 East is one of the worst locations in Montgomery County for traffic congestion and accidents. The heavy truck traffic is currently a major concern and any additional truck traffic will only make matters worse. **Whether or not Walker Road is improved to handle <u>heavier</u> traffic, does not mitigate the fact that 60 to 75 children load and unload on busses each school day on this road.**

Drainage and flooding are also a major concern. During the floods here in 1994 there were many acres of property flooded that had never flooded prior. With the development of this project there will be many more homes and property flooded that have never flooded before. There does not appear to be any plans in this application for flooding issues in this area of construction. It has been noted that the applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding natural drainage patterns not being significantly altered.

Contamination of ground water and water wells is another concern. There are many residential structures in the area of this proposed project and the applicant has not addressed a plan for the site to protect the neighborhood downgradient of the site. The applicant has also failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or one mile of the site.

Please inform me of the TCEQ's intention of or if we will have another public hearing on this matter.

Very truly yours,

Alan B. Sadler

ABS/vb

Spoke 2nd elected officials

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

2004 AUG 11 PM 2:40
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLEASE PRINT:

Name: Alan Sadler

Address: 301 N Thompson Ste 210

City/State: Conroe **Zip:** 77301

Phone: (936) 539.7812

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**

If yes, which one? Judge - Montgomery County

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted at any time during the meeting.)

Please give this to the person at the information table. Thank you.

OPA

JAN 17 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 16

CHIEF CLERKS OFFICE

37868

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- J Sandles
Address- 18290 Upper Bay #707, Hou TX 77058
Phone- 7134431725

Distance from proposed site-

Negative impact to my health, safety and property will be - UnSafe Environment Lowers Property Values.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868

OPA

PM H

JAN 17 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 19

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

November 19, 2007

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- David W. Sargent JR
Address- 7986 Adcock Acres
Phone- 2819617794

Distance from proposed site- We back Up to It

Negative impact to my health, safety and property will be - Possible Flooding, Hazardous Truck Traffic on our Highways air quality, and contaminating the water table where we get our well water

Sincerely,

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

August 09, 2004

PM H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 16 PM 3:04
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Lynda + Bob Sasser. I am a resident in the area and I am concerned about:

Impact of landfill traffic on school children. Impact on the quality of air and water by the proposed landfill as it affects both children and adults.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Lynda and Bob Sasser
Address: 117 Shadowood Dr.
City, State, & Zip Conroe, TX 77304
Phone: 936-756-8059

37868
MSW

August 10, 2004

OPA

AUG 12 2004

BY _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 12 AM 9:43
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

Re: Application for Permit No. 2324

The intent of this letter is to express our opposition to the proposed landfill to be built in Montgomery County on North Walker Road. As advocates for our children, we are extremely concerned about the number of garbage trucks per day that will impact the safety of our children who must wait at the bus stops along the roadway and travel on buses to schools along these same narrow roads. The roadways have already proven to be a danger without the addition of the large number of trucks that would increase the traffic.

As citizens concerned about the environmental impact, we question the need for an additional landfill when two such facilities already exist in the area. Let's not overload one part of the county with potentially dangerous materials that impact the lives of all who live in the area.

As taxpayers in the Conroe Independent School District, we are concerned that the landfill will lower the property values in the area. As property values in the area of the proposed landfill decline, CISD must raise tax rates on non-affective areas of the district. Therefore it has the potential of a costly impact to the entire district.

In the interest of children, families, and all taxpayers, please deny this permit request.

Sincerely,

Lynda Sasser
Bob Sasser

Lynda & Bob Sasser
117 Shadowood Dr.
Conroe, TX 77304

117 Shadowood Dr
Conroe, TX 77304

N HOUSTON TX 773
PM
10 AUG
2004

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RECEIVED
AUG 12 2004
TCEQ

78711+3087 12

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM 14

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 4:01
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Carol Saxton
Printed Name and Address
15322 FM 1488
Cut & Shoot TX

Carol Saxton
Signature

OPA
JUN 01 2004

NSW
37828

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 23

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

H OPA

March 19. 2009 BY Ky

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 3 miles south west of the proposed landfill and my address is 17164 Old Highway 105 East. I live near the community of Security. I use my property for residence and business. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Russel Schoonover

Schoonover
17162 Old Hwy 105 East
Conroe, Tx 77306

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 23

CHIEF CLERKS OFFICE

HOUSTON TX 772

24 MAR 2009 PM 1 T

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

7871143087

NSW
378608

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 23 PM 3:00

CHIEF CLERKS OFFICE

H OPA

KM

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 850 ft. of the proposed landfill and my address is 7044 [redacted] N. Walker, Cleveland, TX 77328. I live near the community of Security. I use my property for residence, ranching and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

[redacted]

MSW
37868

OPA

DEC 20 2007

BY _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 20 AM 9:56

CHIEF CLERKS OFFICE

December 12, 2007

Re: Proposed Dump Site on Walker Road, Permit #2324

Dear Members of the Board of Texas Environmental Quality:

I am writing you concerning the proposed dump site on Walker Road in Montgomery County. I currently live approximately 300 feet from this proposed site. I am greatly concerned for my health and the health of my wife. We have both been diagnosed with asbestosis, a condition that affects our lungs. My wife is also a lung cancer survivor. Eighteen years ago she was diagnosis with Oats Cancer. This is a type of cancer that one in a million people survive. My wife was very fortunate. We moved from the Houston area fourteen years ago to enjoy the joys of country living and to live the remainder of our days. We feel the continuing effort to seek a permit would only put our health in jeopardy. If you would allow this type of dump so close to our home, it would only acerbate our condition and diminish our quality of life.

I am also very concerned about my water supply. We have a water well that I am afraid will be possibly become contaminated due to water seepage.

I am again writing this letter with the hope that you will deny Permit #2324. My life and happiness are at stake. I look forward to hearing from you and trust you will take my concerns into consideration when making your decision.

Sincerely,

Joyce Selph
Allen Selph

Allen and Joyce Selph
7044 North Walker Road
Cleveland, Texas 77328

MW

N HOUSTON TX 773

18 DEC 2007 PM 5 T

HAPPY HOLIDAYS

USA FIRST-CLASS FOREVER

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
DEC 20 2007
TCEQ MAIL CENTER
RB

78711+3087

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3: 5
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Joyce Selph
Signature

Joyce Selph
Printed Name and Address
7044 N. Walker Rd
Cleveland, TX. 77328

OPA
JUN 01 2004

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
37808

H OPA

BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 23 PM 3:02

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 850 ft. of the proposed landfill and my address is 7058 N. Walker, Cleveland, TX 77328. I live near the community of Security. I use my property for residence, ranching and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

RTS

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

RTS

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

RTS

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

RT Selph

Ruben Travis Selph
7058 N Walker Rd
Cleveland TX 77328-5732

HOUSTON TX 772
31 MAR 2009 PM 3 T

USA FIRST-CLASS FOREVER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 23 PM 3:00
CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

RECEIVED
MAR 23 2009
TCEQ MAIL CENTER
RB

78753+1808

MSW 37868

OPA

DEC 20 2007

BY DL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 20 AM 9:56

CHIEF CLERKS OFFICE

December 13,2007

Dear T.E.C.Q.,

I, Rueben Travis Selph, would like to protest the dump site, permit #2324. I currently live 800 feet from the site on North Walker Road in Montgomery County. My number one concern is I have been diagnosed with asbestosis which is causing me problems with my breathing. I am retired and will be outside most days when the weather is permitting. The dumping of these products would most definitely be extremely dangerous for me. The dust from the waste would truly be hazardous to my health. These are other concerns that I have for my health:

1. Water well contamination our only source of water.
2. Surface water contamination. Two creeks run threw the property on site 2324. They both lead to Lake Houston, which supplies drinking water to the city of Houston.
3. Would it be harmful to consume fish and other game that would drink contaminated water?
4. What about the dust that would settle on people's gardens or fruit trees?
5. The noise would detrimental to my well-being because I would be unable to sleep.

Thank you for taking your time to read of my concerns. I look forward to hearing response.

Sincerely, RT Selph

Ruben Travis Selph
7058 North Walker Road
Cleveland, Texas 77328

MA

N HOUSTON TX 773

18 DEC 2007 PM 7 T

HAPPY HOLIDAYS

USA FIRST-CLASS POSTAGE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Tex. 78711-3087

RECEIVED
DEC 20 2007
TCEQ MAIL CENTER
RB

78711+3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

May 25, 2004

2004 JUN -7 PM 2:53

Dear T.E.C.Q.,

CHIEF CLERKS OFFICE

I, Rueben Travis Selph, would like to protest the dump site, permit #2324. I currently live 800 feet from the site on North Walker Road in Montgomery County. My number one concern is I have recently been diagnosed with asbestosis which is causing me problems with my breathing. Working around dust from construction sites and laying bricks for thirty eight years have caused my condition. The dumping of these products would most definitely be extremely dangerous for me. I have attached a copy of my diagnosis. The dust from the waste would truly be hazardous to my health. These are other concerns that I have for my health:

1. Water well contamination our only source of water.
2. Surface water contamination. Two creeks run threw the property on site 2324. They both lead to Lake Houston, which supplies drinking water to the city of Houston.
3. Would it be harmful to consume fish and other game that would drink contaminated water?
4. What about the dust that would settle on people's gardens or fruit trees?
5. The noise would detrimental to my well-being because I would be unable to sleep.

Thank you for taking your time to read of my concerns. I look forward to hearing a response.

Sincerely, Ruben T Selph

Ruben Travis Selph
7058 North Walker Road
Cleveland, Texas 77328

OPA
JUN 08 2004
BY

R.T. Selph
7058 North Walker Road
Cleveland, Texas 77327

HOUSTON TX 773
PM
4 JUN
2004

37 USA
GREETINGS FROM Far Far Away

RECEIVED
JUN 07 2004
TCEQ

LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX. 78711-3087

78711+3087 12

PHILLIP H. LUCAS, M.D.

RADIOLOGY INTERNAL MEDICINE NIOSH B-READER

220 Winged Foot Circle
Jackson, Mississippi 39211
(601) 957-2262 Fax (601) 957-6912

OPA

JUN 08 2004

BY

Selph, Ruben Travis

PA and lateral chest radiographs dated 03/28/03 were evaluated for the presence and classification of pneumoconiosis, utilizing the ILO (1980) Guidelines.

The film quality is 1. The heart and pulmonary vasculature are normal. Irregular interstitial opacities are seen in both mid and lower lung zones, the size and shape of which are classified as t/s and the profusion is 1/0. Pleural plaques are seen in profile bilaterally, with a width A and extent 1 on the right and a width A and extent 1 on the left. No other abnormalities are observed.

OPINION:

Bilateral pleural and interstitial fibrotic changes consistent with asbestosis in a patient who has had an adequate exposure history and latent period.

Phillip H. Lucas, M.D.

PHL/as

05/10/03

PM

37868
MSW

Date: 5/9/02

QUALITY

2004 MAY ... PM 2:21

CHIEF CLERKS OFFICE

OPA

MAY 13 2004

BY [illegible]

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

RT Selph
Signature

R.T. Selph
Printed Name and Address

7058 N. Walker Rd
Cleveland, Tex. 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

R.T. Selph
7058 N. Walker, Rd.
Cleveland, Tx. 77328

3 N HOUSTON TX 773
PM
10 MAY
2004

FROM
Far Far Awa

Office of the Chief Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, Tx. 78711-3087

RECEIVED
MAY 12 2004
TCEQ

78711+3087

TCEQ Public Meeting Form

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3: 33
CHIEF CLERKS OFFICE

OPA RECEIVED
APR 10 2008
AT PUBLIC MEETING

PLEASE PRINT:

Name: Anita Severa

Address: 11599 Coon Hollow Rd

City/State: Conroe TX Zip: 77306-7733

Phone: (936) 446-1181

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

(over)

Please give this to the person at the information table. Thank you.

1) Who will pay for road repair from truck use.
Traffic will be worse with all the trucks on 105
Need to widen 105 first

Water will seep out with flooding & rains.

The inspectors will be bought off to let trucks pass.

Who will inspect & who will inspect the inspectors

When they get fined for ~~the~~ ~~to~~ taking not suitable trash - it will be cheaper to pay fines then turn down dumping.

This will not stop illegal dumping - people will not pay fee to dump plus pay for high price gas to take to the dump.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:36
CHIEF CLERKS OFFICE

MW

37868

PM
H.

OPA RECEIVED

AUG 09 2004

AT PUBLIC MEETING

2004 AUG 11 PM 3:04

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Anita Severa. I am a resident in the area and I am concerned about:

too large a landfill, what goes into the landfill. Other towns trash trucked to this landfill. Let the other towns put their trash in their own town. Trucks going 7 days a week 24 hrs a day is not welcome here.

I don't want chemicals etc ~~to~~ here to contaminate our water

What they tell us will only fill the landfill does not mean thats all that will be brought in. There is unlawfull dumping of items or ~~st~~ ~~sub~~ substance in other places. What is to stop this type of dumping.

Groundwater is getting scarce, roadway - heavy trucks kids ~~w~~ riding bikes, walking

Flooding area

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Anita Severa
Address: 11599 Coon Hollow Rd
City, State, & Zip Conroe TX 77306-7733
Phone: 936-446-1181

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:04
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: RICHARD W. & Anita Severa

Address: 11599 Coon Hollow Rd

City/State: Conroe **Zip:** 77304

Phone: (936) 446-1181

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**
(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

NSW
378608

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:08

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

H OPA

MAR 26 2009

BY

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 5 miles from the proposed landfill and my address is 10696 Waukegan Rd, Conroe, TX 77306. I live in Cut & Shoot. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

Sincerely

Vera Shafer

Vera Shafer

Vera Shafer
10698 Waukegan Rd
Conroe Tx 77306

HOUSTON TX 772
23 MAR 2009 PM 2 T

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

August 09, 2004

PM
H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

2004 AUG 11 PM 3:04
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is MELvin SHARpe. I am a resident in the area and I am concerned about:
Water Run OFF Through & Around my property

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Melvin Sharpe
Address: 8450 Adcock Acre
City, State, & Zip Conroe 77303
Phone: 936 - 264 - 1316

2nd

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:40
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: MELvin SHARPe

Address: 8450 Adcock Acres

City/State: Conroe **Zip:** 77303

Phone: (936) 264-1316

☒ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☒ **Yes** ☐ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**
(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

TCEQ Public Meeting Form

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

3

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:32
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: MELvin SHarpe

Address: 9450 Adcock Adcock

City/State: Connor TX Zip: 7730

Phone: (936) 264-1316

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

(3)

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: MELvin SHAnpe

Address: 7450 Adcock Acres

City/State: Conroe TX. Zip: 77303

Phone: 936 264-1816

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37868
MSW

2004 SEP -7 AM 11: 02

CHIEF CLERKS OFFICE

OPA

SEP 08 2004

BY

Jodena N .Henneke, Director
Office of Public Assistance

This is regarding Montgomery Landfill Solutions, LP /Municipal Solid Waste Permit # 2324

I live in the Northwest area of the landfill area. Here is some of the Water that flow into the area through culvert and across the roads. I will mark on the map this location. 1 S .Williams road Culvert water cross the road run down to adcock road.

2 S. Williams road the road turns drop 15 or more feet to, a 36 inch culvert cross the to a field.

3 S. Williams make a turn than 5-ea 18-inch culvert, the water also run across the road when it rains. Both 2&3 than run together to Spring Branch.

4 Adcock Acres The water runs from S. Williams at this point the run south .one culvert crosses the road and the water splits one part runs down the road and the other back across the property to my property. The rest of the water stays on the west side of road.

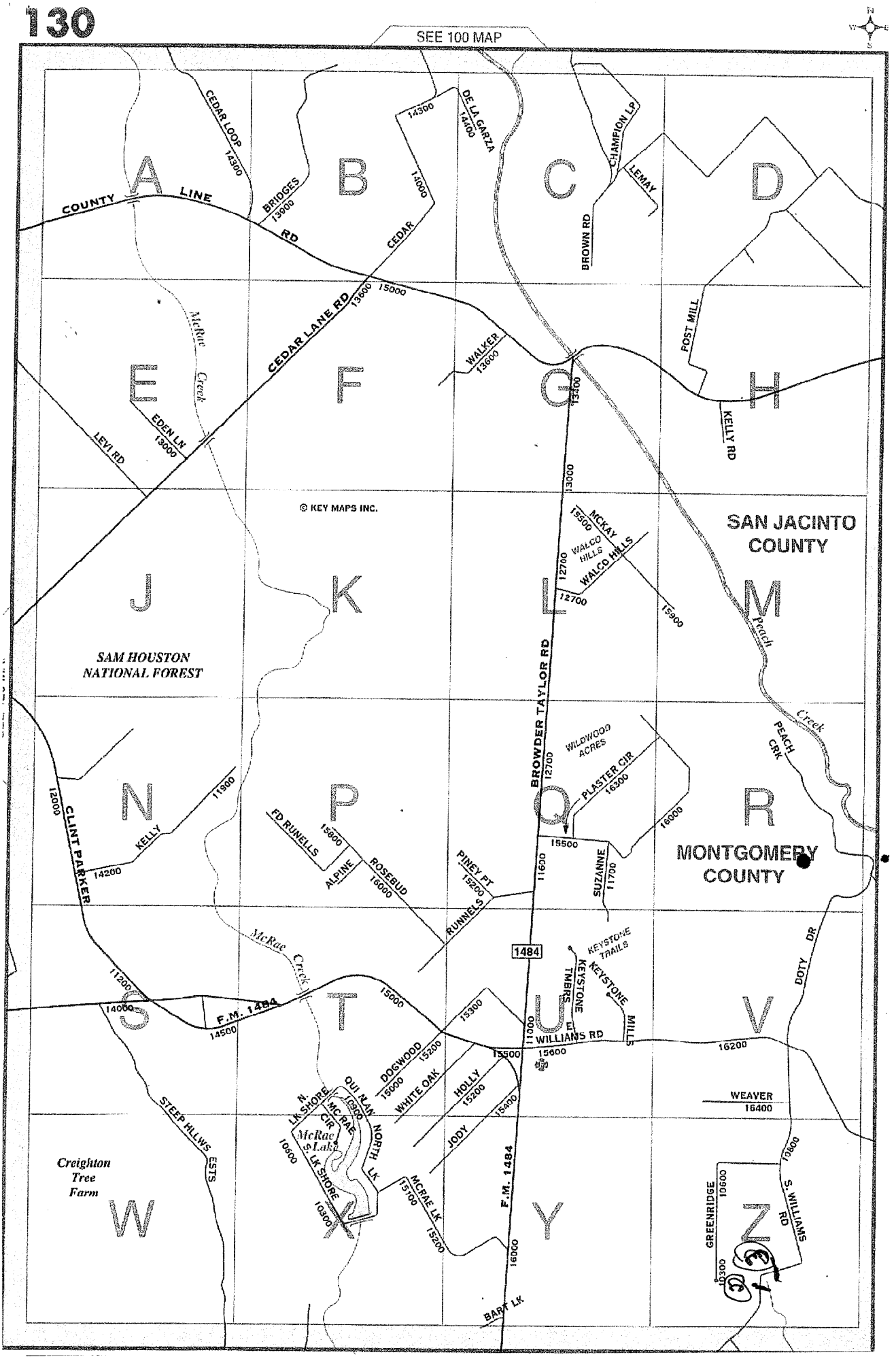
5 The water crosses the road vie 2 culvert .one 36inchand one 24 inch..There is a drive way 24inch culvert .Which come together and flows to the back of my property joining

Sharpe, Melvin

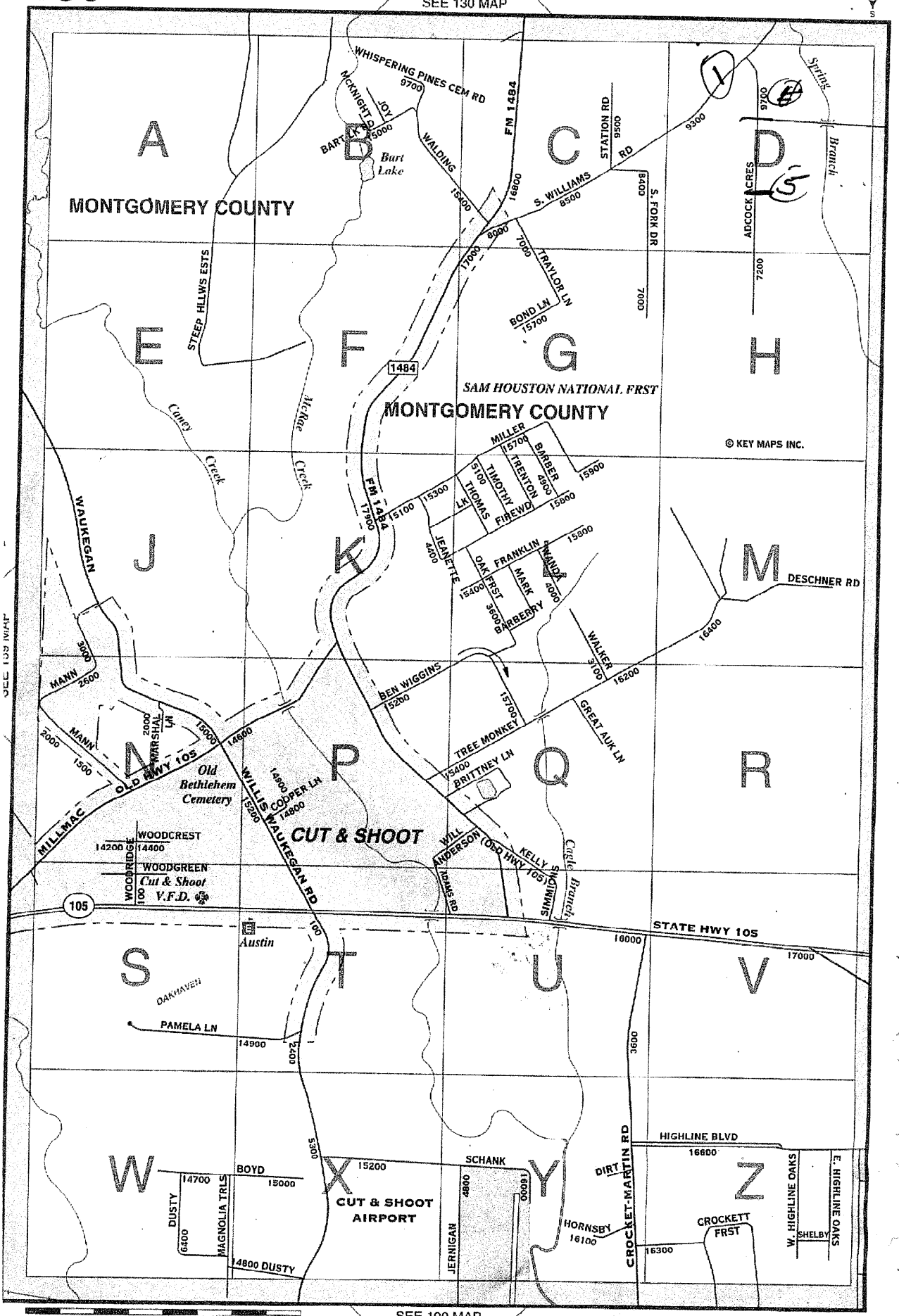
the other water than on to Spring Branch.

I hope you look at this when consider the dump If you need any information Please call or write me.

Melvin Sharpe
8450 adcock acres
Conroe Tx.. 77303
936-264-1316


SEE 100 MAP
A
B
C
D
E
F
G
H
J
K
L
M
N
P
Q
R
S
T
U
V
W
X
Y
Z
COUNTY LINE RD
CEDAR LOOP
BRIDGES
CEDAR
DE LA GARZA
CHAMPION LP
LEMAY
BROWN RD
POST MILL
KELLY RD
CEDAR LANE RD
WALKER
McRae Creek
EDEN LN
LEVI RD
© KEY MAPS INC.
SAN JACINTO COUNTY
MCKAY
WALCO HILLS
SAM HOUSTON NATIONAL FOREST
BROWDER TAYLOR RD
Peach Creek
PEACH CRK
WILDWOOD ACRES
PLASTER CIR
CLINT PARKER
KELLY
FD RUNELLS
ALPINE
ROSEBUD
PINEY PT
RUNNELS
SUZANNE
MONTGOMERY COUNTY
1484
KEYSTONE TRAILS
KEYSTONE TMBRS
KEYSTONE MILLS
DOTY DR
F.M. 1484
WILLIAMS RD
DOGWOOD
WHITE OAK
HOLLY
JODY
WEAVER
N. LK SHORE
QUI NAN
MC RAE CIR
McRae Lake
S. LK SHORE
NORTH LK
MCRAE LK
STEEP HLLWS ESTS
Creighton Tree Farm
GREENRIDGE
S. WILLIAMS RD
BART LK

SEE 130 MAP



SEE 190 MAP

© KEY MAPS INC. 2000

harpe
ock Ad
X-77303-1000

SEP 2004

12 SEP 2004

HOUSTON TX 773

NORTH HOUSTON TX 773

RECEIVED
SEP 07 2004
TCEQ

OFFice OF The Chief Clerk
MC 105 TCEQ
P.O. Box 13087
Austin TX 78711-3087

2004 SEP -7 AM 11:01
CHIEF CLERKS OFFICE

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:38
CHIEF CLERKS OFFICE

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Melvin Sharpe
Signature

MELvin SHARPe
Printed Name and Address

84 50 Adcock Acre
Conroe TX 77303

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MW
37868

Via facsimile: (512) 239-3311
and surface mail

OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:10

CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 0.5 miles from the proposed landfill and my address is 5480 Greenwood Dr, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

6

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

Sincerely

Frances Sheppard

Frances Sheppard

Frances Sheppard
5480 Greenwood Dr
Cleveland, TX 77328

HOUSTON TX 772
23 MAR 2009 PM 1 T

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Paul R Simmons Jr.
Signature

Paul R. Simmons Jr.
Printed Name and Address

18597 Parker Rd.
Cleveland TX 77328

2004 MAY 28 PM 3:56
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA
JUN 01 2004

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 04
CHIEF CLERK'S OFFICE
OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PLEASE PRINT:

Name: Paul Simmons

Address: 18597 Parker Rd.

City/State: Cleveland TX **Zip:** 77328

Phone: 281 593-1818

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? My Family

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

For the health and well being of my children
do not allow another Dump in my community!

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -7 PM 3:29

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

OPA

PM JAN 08 2008

BY EB

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Stephanie Simmons
Address- 18597 Parker Rd Cleveland, TX
Phone- 281 593-1818

Distance from proposed site- 1 Mile

Negative impact to my health, safety and property will be - traffic, smell, lower land value

Sincerely

Stephanie Simmons

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Ms Leah Smith
15787 Miller Rd
Conroe, TX 77303

HOUSTON TX 772

05 JAN 2008 PM 2 T

MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

MSW
378W8

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 51

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 9 miles of the proposed landfill and my address is 8648 Serinity Court, Willis TX 77378 in the community of Willis. I use my property for my residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Bob Singleton

Bob Singleton

Bob Singleton
8648 Serenity Ct.
Willis TX 77378

HOUSTON TX 772
24 MAR 2009 PM 1 T

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 51

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

CISW
37808

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:28

CHIEF CLERKS OFFICE

OPA

H

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within ½ mile of the proposed landfill and my address is 406 N. Walker Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

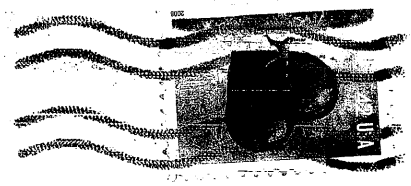
Sincerely,

Sfc. James Singleton

Sfc. James Singleton

Mrs. James Singleton
406 N. Walker Rd
Cleveland TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 1 T



RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

N-SW
37868

PU OPA
H JAN 07 2008
BY KY

November 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10: 52
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- JAMES Singleton
Address- 18463 Thomas Cleveland TX 77328
Phone- 936 827-4051

Distance from proposed site- 1 mile South.

Negative impact to my health, safety and property will be - I have small neices who stand out at the road to catch the bus. Traffic will be terrible. Water supply runs South, and we are 1/10th of a mile ~~[illegible]~~ from 105 & 1 mile South of the proposed land fill site.

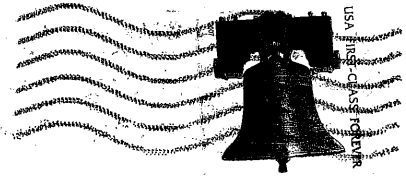
Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Mr. John B. Smith
15787 Miller Rd
Conroe TX 77303

N HOUSTON TX 773

04 JAN 2008 PM 2 L



MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
JAN 07 2008
TCEQ MAIL CENTER
RB

78711-3087

MSW 37868

PM OPA
H JAN 07 2008
BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10: 5
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Ciara Smalling
Address- 410 N Walker rd
Phone- 281-593-03-01

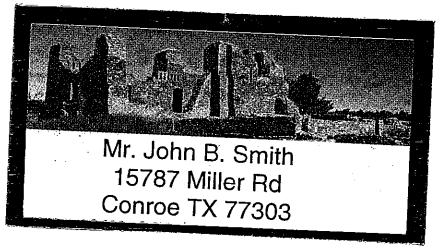
Distance from proposed site- 1 mile South

Negative impact to my health, safety and property will be - I have adoamune hepatis and with the landfill comin in I will get even sicker Then I am, and with it in the air I wont be able To go outside, or play Games outside, with my cousins and I also catch the Bus and it would be hard with all the Traffic. So please keep it away from Here.

Sincerely

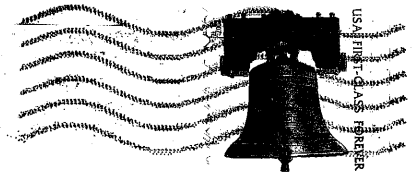
Ciara Smalling

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams



Mr. John B. Smith
15787 Miller Rd
Conroe TX 77303

N HOUSTON TX 773
04 JAN 2008 PM 7 L



MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
JAN 07 2008
TCEQ MAIL CENTER
RB

78711+3087

MSW 37868

PM OPA

H JAN 07 2008

BY KY

November 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10: 52
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

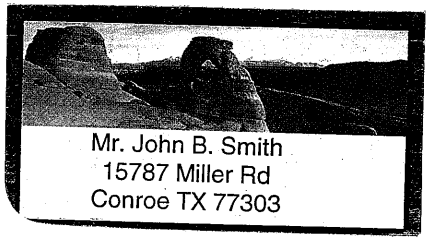
Name- Sherry Smalling
Address- 308 Kensmann Rd Cleveland, TX 77328
Phone- 281-432-9073

Distance from proposed site- 1 mi,

Negative impact to my health, safety and property will be - Water Pollution, Traffic,

Sincerely

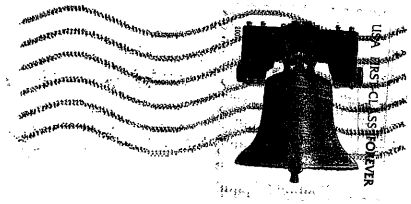
Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams



Mr. John B. Smith
15787 Miller Rd
Conroe TX 77303

N HOUSTON TX 773

04 JAN 2008 PM 7 L



MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
JAN 07 2008
TCEQ MAIL CENTER
RB

78711+3087

August 09, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 9 PM 3:04
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Cassie Smith. I am a resident in the area and I am concerned about:
the position of the dump being in a natural water flow. This is going to cause flooding & will contaminate our drinking water. Also our roads will not be able to hold up under the large trucks coming in & out. Also our roads are to narrow. This dump will also drop the value of my family home & surrounding property.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Cassie Smith
Address: 7678 N. Walker Rd.
City, State, & Zip Cleveland, Tx 77328
Phone: 281-592-8016

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:04
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Cassie Smith

Address: 7678 N. Walker Rd.

City/State: Cleve, Tx **Zip:** 77328

Phone: 281 592-8016

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

OPA
MAY 27 2004
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 27 AM 9:55
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RE: Montgomery Landfill Solutions, L. P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit.

1) **Current Landfills in Area:** There is a Type 1, 375-acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, 6 miles to the west, and a proposed transfer station 8 miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development:** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new home sites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic Safety:** The entrance to the proposed landfill on North Walker Road is a two-lane, 21' wide county road, and the only entrance into our community and properties. The lives of school children waiting for their buses will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the floodwaters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1-mile radius of this proposed landfill site have water wells as their only source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U. S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but also serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County, Texas.

Sincerely,

Cassandra Smith
Signature

CASSANDRA Smith
Printed Name and Address

7678 N. Walker Rd. ph # 281-592-8016
Cleve Tx 77328

Cc: Representative Ruben Hope, Senator Todd Staples, and Senator Tommy Williams

FISW
378U8

OPA

4

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 35

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home twelve miles west of the proposed landfill and my address is 208 Moss Hill Lane. I live near the community of Conroe. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

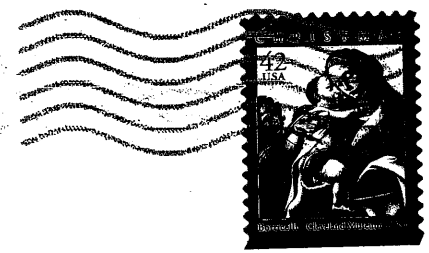
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Charley Smith

Charley R Smith
208 Moss Hill Ln
Conroe, Tx 77303

HOUSTON TX 772
24 MAR 2009 PM 2 T



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
37808

H OPA

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:20

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing. This hearing will be a financial hardship for the residents of the Security/Midway/ Cut and Shoot area and I hereby request that the Contested Case Hearing be held in Montgomery County to lessen that hardship.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.3 miles west of the proposed landfill and my address is 15787 Miller Rd. I live near the community of Cut and Shoot and I use my property for a residence and I raise quarter horses. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ.
It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and has not been able to respond.

JNS
MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery Landfill Solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. I also note that the process for the amendment to the application was not clearly defined by TCEQ rules.

Further additional public meetings were required because the applicant chose venues that did not accommodate the residents attending the meeting. The Q&A was cancelled at the first public meeting in Conroe Tower because the room did not accommodate the mass of people who attended the meeting. The second meeting was held at Caney Creek High School and the applicant refused to answer questions. Several hundred residents attended and the applicant asked for questions via email only and subsequently did not respond. A third public meeting, was held at Caney Creek High School at the request of Senator Nichols. The meeting primarily addressed the roadway amendment and did allow for limited Q&A. In this case, the applicant was again making additional changes to the roadway thus "revising the existing amendment". Once again response to Q&A was incomplete. It appears that the applicant not TCEQ was in control the process and the degree of public participation. Overall, this permit process was not competently managed by TCEQ and it certainly did not focus on potential health risks to the surrounding community.

 jhs

Comment 7 - Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 - Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety for the next 25-30 years. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further, the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties. East Montgomery County should not become the dumping ground for 5 counties. This is not a prudent way to protect the surrounding community from health risk. TCEQ should do as much to facilitate recycling in Montgomery County as it does to facilitate landfill construction.

The location of the proposed site is in conflict with the land use in the area. This area is primarily used for residential purposes. Growth is expected to continue as additional residential projects are underway and more are planned in the area. HGAC has expressed concern about the location of this site citing flooding, traffic and the proposed height of 200 ft above ground level.

The applicant has not been able to identify any clear benefit to the nearby communities of Security, Midway and Cut and Shoot. The negative impact to low-income, minority communities in the area is disproportionate to the population of Montgomery County and surrounding counties.

Comment 13 - Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved. This landfill will primarily benefit the investors at the expense of the surrounding community. This is further demonstrated by the fact the investors are hiding under the umbrella of an LLC.

Comment 15 - Land Use Compatibility
Response 15: The applicant has not shown that the proposed landfill will be compatible with land use in the surrounding area. The applicant has not accurately represented residential growth and development in the area. The landfill is not compatible with growth trends in the area. The proposed site is part of the growth corridor for the Security, Midway and Cut & Shoot community. Ongoing and planned developments will be negatively impacted if the landfill is approved. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres), height (200 ft), and waste stream (600 truckloads per day) is a hazard to air and water quality, traffic safety and health in a residential community.

 fhs

Comment 39 - Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Jaren N. Smith

Taren Smith
15787 Miller Rd.
Cloverdale, TX 77303

HOUSTON TX 772
20 MAR 2009 PM 3 L

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

8th

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:41
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Jaren Smith

Address: 15787 Miller Road

City/State: Conroe Tx **Zip:** 77303

Phone: (936) 4451493

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Montgomery Landfill Solutions, LP,
Proposed Permit No. 2324

OPA RECEIVED

AUG 09 2004

AT PUBLIC MEETING

Office of the Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 4:41
CHIEF CLERKS OFFICE

Dear Sir or Madam

Hi my name is Jaren Smith and I am a senior at Caney Creek High School. Hi my name is Logann Smith and I am a junior at Caney Creek High School and this year we will both be new drivers.

During my high school years I've known of several incidences where students from Caney Creek have been severely injured or even killed on Highway 105, Crocket Martin Road, and at the intersection in front of Caney Creek High School due to the heavy traffic that exists there. To go to school, my sister and I must turn from Fm 1484 onto Highway 105, and it is already incredibly dangerous due to the heavy traffic on 105. After school and late into the afternoon, there are many after school activities such as fine arts and sports that are going on where students are at risk. An example would be that the track and cross country students run along the road for practice. Also students from Grangerland and Caney Creek often cross Fm 1485 to use shared school facilities. Young drivers do not need the added traffic and hazard that the huge influx of trucks delivering the trash to the landfill will create.

Caney Creek is also part of a complex of several other schools, that include Moorhead Junior High, Grangerland Intermediate and Creighton Elementary. Younger students often walk from Grangerland to the High School to get picked up by their parents or to go home. These kids traveling on foot down the road will be in danger due to the large trucks and the traffic they will create. Are the lives of several or even one young person's life worth the millions of dollars the investors expect to make from the landfill?

Sincerely,

Jaren Smith Logann Smith

Jaren and Logann Smith
15787 Miller Road
Conroe, Texas 77303

Cc: Senator-Todd Staples, Senator-Tommy Williams, Representative-Ruben Hope Jr., Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart, County Commissioner Pct. 2-Craig Doyle, County Commissioner Pct. 1-Mike Meador, Count Commissioner Pct. 3-Ed Chance, HGACG Solid Waste Program Manager-Cheryl Mergo

9th

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:41
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Logann Smith

Address: 15787 Miller Rd

City/State: Conroe, TX **Zip:** 77303

Phone: (936) 445-1493

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

MSW
378608

H OPA

BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 AM 11: 29
CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing. This hearing will be a financial hardship for the residents of the Security/Midway/ Cut and Shoot area and I hereby request that the Contested Case Hearing be held in Montgomery County to lessen that hardship.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.3 miles west of the proposed landfill and my address is 15787 Miller Rd. I live near the community of Cut and Shoot and I use my property for a residence and I raise quarter horses. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ.
It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and has not been able to respond.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery Landfill Solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. I also note that the process for the amendment to the application was not clearly defined by TCEQ rules.

Further additional public meetings were required because the applicant chose venues that did not accommodate the residents attending the meeting. The Q&A was cancelled at the first public meeting in Conroe Tower because the room did not accommodate the mass of people who attended the meeting. The second meeting was held at Caney Creek High School and the applicant refused to answer questions. Several hundred residents attended and the applicant asked for questions via email only and subsequently did not respond. A third public meeting, was held at Caney Creek High School at the request of Senator Nichols. The meeting primarily addressed the roadway amendment and did allow for limited Q&A. In this case, the applicant was again making additional changes to the roadway thus "revising the existing amendment". Once again response to Q&A was incomplete. It appears that the applicant not TCEQ was in control the process and the degree of public participation. Overall, this permit process was not competently managed by TCEQ and it certainly did not focus on potential health risks to the surrounding community.

3 pts

Comment 7 - Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 - Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety for the next 25-30 years. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further, the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties. East Montgomery County should not become the dumping ground for 5 counties. This is not a prudent way to protect the surrounding community from health risk. TCEQ should do as much to facilitate recycling in Montgomery County as it does to facilitate landfill construction.

The location of the proposed site is in conflict with the land use in the area. This area is primarily used for residential purposes. Growth is expected to continue as additional residential projects are underway and more are planned in the area. HGAC has expressed concern about the location of this site citing flooding, traffic and the proposed height of 200 ft above ground level.

The applicant has not been able to identify any clear benefit to the nearby communities of Security, Midway and Cut and Shoot. The negative impact to low-income, minority communities in the area is disproportionate to the population of Montgomery County and surrounding counties.

Comment 13 - Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved. This landfill will primarily benefit the investors at the expense of the surrounding community. This is further demonstrated by the fact the investors are hiding under the umbrella of an LLC.

Comment 15 - Land Use Compatibility
Response 15: The applicant has not shown that the proposed landfill will be compatible with land use in the surrounding area. The applicant has not accurately represented residential growth and development in the area. The landfill is not compatible with growth trends in the area. The proposed site is part of the growth corridor for the Security, Midway and Cut & Shoot community. Ongoing and planned developments will be negatively impacted if the landfill is approved. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres), height (200 ft), and waste stream (600 truckloads per day) is a hazard to air and water quality, traffic safety and health in a residential community.

 7DD

Comment 16 - Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security, Midway, Cut and Shoot area. SH 105 is documented as one of the most dangerous roadways in Montgomery County as it is a two lane highway in a rapidly developing area. The site will be permitted to receive 600 truckloads of waste per day. That is 1,200 truck trips on SH 105 traveling in and out of the community. The intersection of MLS's new access road to SH 105 is 0.5 miles west of the intersection with North Walker Road and 1.0 mile west of the Security landfill driveway. This will create a dangerous traffic situation on SH 105. Minimum requirements for traffic safety in the area include widening SH 105 and adding a turn lane to accommodate traffic turning in and out of the landfill driveway. TXDOT has not released any information about mitigating the traffic situation in the Security, Midway, Cut & Shoot area.

There are many narrow two lane community roads in East Montgomery County that connect IH 45, IH 59 and SH 105 to residential areas and schools. I am very concerned that the additional truck traffic will exploit these roadway "shortcuts" endangering students, parents and teachers as they travel to Caney Creek High School, Moorehead Junior High School, Grangerland Intermediate School, Austin and Creighton Elementary Schools.

Comment 22 - Height and Screening
Response 22: The landfill will be permitted to 200+ ft above ground level. This height exceeds the height of surrounding tree cover in fact it is the height of a 20-story building. The site will not be adequately screened from view.

Comment 24 - Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant only. The result is not an accurate representation of the 100-yr floodplain and an inadequate design for retention ponds that manage effluent site drainage and storm runoff.

Comment 25 - Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Construction of the landfill will destroy the wetlands on the site and this has not been adequately addressed in the design. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off, leakage or flooding escaping from the site.

7P5

Comment 26 - Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the top of the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that the water supply for the entire area will be harmed by leakage from the site. Most of the residents in the area use groundwater for water supply.

Comment 27 - Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. The wells are screened at depths ranging from 30 to 250 ft. Most are screened in the Chico or Evangeline aquifers and all are at risk due to landfill liner failure. The Chico and the Evangeline aquifers serve as groundwater supply for Montgomery and Harris County. My well is screened in the Evangeline aquifer. The adjacent West Fork Spring Branch and Lawrence Creeks flow through the surrounding community into Caney Creek and ultimately into Lake Houston. Lake Houston is a surface water source for Houston.

Comment 31 - Endangered Species and Wetlands
Response 31: At least 60 acres of wetlands classified non-jurisdictional by the USGS will be destroyed and the impact is not adequately addressed by the applicant.

Comment 32 - Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree cover and becomes more acute as the landfill is built to higher elevations. This situation is not addressed in the permit design and it is not a prudent way for TCEQ to protect the community from potential health risks.

Comment 33 - Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither applicant nor TCEQ have demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard.

JD

Comment 39 - Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

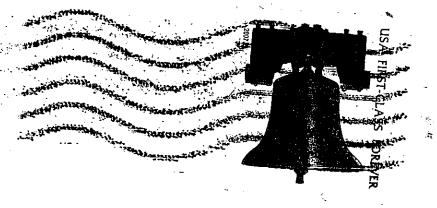
Sincerely,

John B. Smith

JBS

John B Smith
15787 Miller Rd
Conroe, TX 77303

HOUSTON TX 772
23 MAR 2009 PM 1 L



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 AM 11: 29
CHIEF CLERKS OFFICE

RECEIVED
MAR 25 2009
TCEQ MAIL CENTER
AJ

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

MSW 37868

John & Leah Smith
15787 Miller Rd
Conroe, Texas 77303
936-445-1493

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 14 AM 10: 40

CHIEF CLERKS OFFICE

OPA

H DEC 14 2007

BY

PM

December 11, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions - amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of landfill traffic on local traffic patterns. The initial estimate of 239 to 323 truckloads per day has increased to an amended estimate of 454 to 608 truckloads per day. This situation will further increase the number of large trucks on SH 105 and on ancillary roadways in the area. The segment of SH 105 between Cut and Shoot and Security/Midway is one of the most dangerous roadways in Montgomery County. Austin Elementary School is located in Cut and Shoot, on SH 105, 3.6 miles west of the site. The school entrance is already very dangerous due to heavy traffic in the area. The traffic passing the school includes a large number of waste trucks going to the Waste Management Landfill located 1.6 miles southeast of the proposed MLS site. Other schools in the area that will be affected are Caney Creek High School, Moorehead Junior High and Grangerland Middle School. These three schools are located in a complex at the intersection of FM 1485 and FM 2090. The large number of waste trucks going to the Waste Management landfill also negatively impacts this area. The increased traffic to the MLS site will put young drivers, their parents and teachers at greater risk for traffic accidents.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.25 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

I am very concerned that the proposed clay liner will not adequately protect the underlying groundwater resources that supply my water well and the ground water for much of Montgomery County.

MW

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that air and water quality will be maintained. I understand that Type IV landfills accept materials contaminated with lead paint and low-level asbestos. Both of these contaminants are proven to be harmful to humans. I am also very concerned that the design of this facility will not assure safe air and water quality with respect to the above cited contaminants and gas by-products such as methane and H2S, also proven to be harmful to humans.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities and other communities downstream will be exposed to contaminated surface water from the site if this is not adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill would not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek, which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater-monitoring plan for the site sufficient to protect the affected neighborhood down gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 190 feet above the surface of the ground. This is the height of a 20-story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

My home is 1.2 miles west of the proposed site. The above concerns compel me to request another public meeting to allow TCEQ to answer questions about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant about the landfill permit, the roadway configurations, traffic and public safety. There are several new subdivisions near the site and many of the new residents do not know about the permit or TCEQ's administrative process.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Sincerely

John B. & Leah D. Smith

Cc: Montgomery County Judge Sadler, Montgomery County Commissioner Ed Rinehart,
State Senator Robert Nichols, State Representative Brandon Creighton, State Senator Tommy Williams

Ms. Leah Smith
15787 Miller Rd.
Conroe, TX 77303

N HOUSTON TX 773
12 DEC 2007 PM 2 L

USA 41

Ms LaDonna Castanuela Chief Clerk
Texas Commission on Environmental Quality
MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
DEC 14 2007
TCEQ MAIL CENTER
JH

78711-3087

Montgomery Landfill Solutions, LP,
Proposed Permit No. 2324

August 9, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERKS OFFICE

Office of the Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Dear Sir or Madam

The proposed landfill location, on North Walker Road poses a very serious treat to the health and safety of the several hundred families living within one mile of the site and to the surrounding community.

I am a resident in the area and have owned property here for more than 10 years. I am also a parent with two children attending Caney Creek High school and I am very concerned about the overwhelming volume of large truck traffic that will access the landfill. These trucks will use the local roadways that pass by the Caney Creek-Moorhead-Grangerland School complex located at the intersection of County Road 1485 and State Road 2090. These trucks will also pass by Creighton Intermediate on 1485 and Austin Elementary School on State Highway 105, in Cut and Shoot, approximately 3.5 miles west of the landfill site. This influx of large trucks will put parents, young school children and high school students in danger everyday as they travel back and forth to school. This is a safety issue of enormous impact. Two of our communities' children have been struck and killed by commercial vehicles this past year near the Walker Road Community. Is this landfill worth the life of even one child or youth in this area?

I am respectfully requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely

John B. Smith
15787 Miller Road
Conroe, Texas 77303

Cc: Senator-Todd Staples, Senator-Tommy Williams, Representative-Ruben Hope Jr., Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart, County Commissioner Pct. 2-Craig Doyle, County Commissioner Pct. 1-Mike Meador, Count Commissioner Pct. 3-Ed Chance, HGACG Solid Waste Program Manager-Cheryl Mergo

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:04
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: John B Smith

Address: 15787 Miller Road

City/State: Conroe **Zip:** 77303

Phone: (936) 445-1493

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

(25)

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Jo Hu Smith

Address: 15787 Miller Road

City/State: Conroe Tx Zip: 77303

Phone: (936) 445-1493

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

OPA
MAY 27 2004
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 27 AM 9:55
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

John B Smith
Printed Name and Address

15787 Miller Road
Conroe TX 77303

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

ISW
378268

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:16

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

March 19. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing. This hearing will be a financial hardship for the residents of the Security/Midway/ Cut and Shoot area and I hereby request that the Contested Case Hearing be held in Montgomery County to lessen that hardship.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.3 miles west of the proposed landfill and my address is 15787 Miller Rd. I live near the community of Cut and Shoot and I use my property for a residence and I raise quarter horses. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ.
It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and has not been able to respond.

BS
MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery Landfill Solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. I also note that the process for the amendment to the application was not clearly defined by TCEQ rules.

Further additional public meetings were required because the applicant chose venues that did not accommodate the residents attending the meeting. The Q&A was cancelled at the first public meeting in Conroe Tower because the room did not accommodate the mass of people who attended the meeting. The second meeting was held at Caney Creek High School and the applicant refused to answer questions. Several hundred residents attended and the applicant asked for questions via email only and subsequently did not respond. A third public meeting, was held at Caney Creek High School at the request of Senator Nichols. The meeting primarily addressed the roadway amendment and did allow for limited Q&A. In this case, the applicant was again making additional changes to the roadway thus "revising the existing amendment". Once again response to Q&A was incomplete. It appears that the applicant not TCEQ was in control the process and the degree of public participation. Overall, this permit process was not competently managed by TCEQ and it certainly did not focus on potential health risks to the surrounding community.

Comment 7 - Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 - Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety for the next 25-30 years. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Further, the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties. East Montgomery County should not become the dumping ground for 5 counties. This is not a prudent way to protect the surrounding community from health risk. TCEQ should do as much to facilitate recycling in Montgomery County as it does to facilitate landfill construction.

The location of the proposed site is in conflict with the land use in the area. This area is primarily used for residential purposes. Growth is expected to continue as additional residential projects are underway and more are planned in the area. HGAC has expressed concern about the location of this site citing flooding, traffic and the proposed height of 200 ft above ground level.

The applicant has not been able to identify any clear benefit to the nearby communities of Security, Midway and Cut and Shoot. The negative impact to low-income, minority communities in the area is disproportionate to the population of Montgomery County and surrounding counties.

Comment 13 - Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved. This landfill will primarily benefit the investors at the expense of the surrounding community. This is further demonstrated by the fact the investors are hiding under the umbrella of an LLC.

Comment 15 - Land Use Compatibility
Response 15: The applicant has not shown that the proposed landfill will be compatible with land use in the surrounding area. The applicant has not accurately represented residential growth and development in the area. The landfill is not compatible with growth trends in the area. The proposed site is part of the growth corridor for the Security, Midway and Cut & Shoot community. Ongoing and planned developments will be negatively impacted if the landfill is approved. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres), height (200 ft), and waste stream (600 truckloads per day) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 - Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security, Midway, Cut and Shoot area. SH 105 is documented as one of the most dangerous roadways in Montgomery County as it is a two lane highway in a rapidly developing area. The site will be permitted to receive 600 truckloads of waste per day. That is 1,200 truck trips on SH 105 traveling in and out of the community. The intersection of MLS's new access road to SH 105 is 0.5 miles west of the intersection with North Walker Road and 1.0 mile west of the Security landfill driveway. This will create a dangerous traffic situation on SH 105. Minimum requirements for traffic safety in the area include widening SH 105 and adding a turn lane to accommodate traffic turning in and out of the landfill driveway. TXDOT has not released any information about mitigating the traffic situation in the Security, Midway, Cut & Shoot area.

There are many narrow two lane community roads in East Montgomery County that connect IH 45, IH 59 and SH 105 to residential areas and schools. I am very concerned that the additional truck traffic will exploit these roadway "shortcuts" endangering students, parents and teachers as they travel to Caney Creek High School, Moorehead Junior High School, Grangerland Intermediate School, Austin and Creighton Elementary Schools.

Comment 22 - Height and Screening
Response 22: The landfill will be permitted to 200+ ft above ground level. This height exceeds the height of surrounding tree cover in fact it is the height of a 20-story building. The site will not be adequately screened from view.

Comment 24 - Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant only. The result is not an accurate representation of the 100-yr floodplain and an inadequate design for retention ponds that manage effluent site drainage and storm runoff.

Comment 25 - Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Construction of the landfill will destroy the wetlands on the site and this has not been adequately addressed in the design. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off, leakage or flooding escaping from the site.

Comment 26 - Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the top of the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that the water supply for the entire area will be harmed by leakage from the site. Most of the residents in the area use groundwater for water supply.

Comment 27 - Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. The wells are screened at depths ranging from 30 to 250 ft. Most are screened in the Chico or Evangeline aquifers and all are at risk due to landfill liner failure. The Chico and the Evangeline aquifers serve as groundwater supply for Montgomery and Harris County. My well is screened in the Evangeline aquifer. The adjacent West Fork Spring Branch and Lawrence Creeks flow through the surrounding community into Caney Creek and ultimately into Lake Houston. Lake Houston is a surface water source for Houston.

Comment 31 - Endangered Species and Wetlands
Response 31: At least 60 acres of wetlands classified non-jurisdictional by the USGS will be destroyed and the impact is not adequately addressed by the applicant.

Comment 32 - Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree cover and becomes more acute as the landfill is built to higher elevations. This situation is not addressed in the permit design and it is not a prudent way for TCEQ to protect the community from potential health risks.

Comment 33 - Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither applicant nor TCEQ have demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard.

Comment 39 - Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

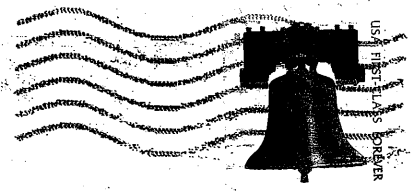
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Leah D. Smith

Leah Smith
15787 Miller Rd
Conroe, TX 77303

HOUSTON TX 772
23 MAR 2009 PM 8 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

37868
MSW

RE: Montgomery Landfill Solutions, L. P.,
Proposed Permit No. 2324

August 9, 2004

Office of the Chief Clerk
MC 105, TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

OPA RECEIVED H
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Sir or Madam

I am a resident in the Cut and Shoot area of East Montgomery County and I live near the location of the proposed permit. I am a licensed, degreed geologist with more that twenty years of work experience in my field.

The proposed landfill location, on North Walker Road, approximately 1.5 miles north of State Highway 105 is unsuitable for many reasons. A landfill at this location poses a very real threat to the health and safety of the several hundred families living within a short distance of the site. In my opinion, this landfill cannot be constructed in a manner that will adequately address the geology and hydrology of the proposed site, insure the safety and welfare of the local community and protect and preserve valuable groundwater resources.

Contaminated fluids leaking from beneath the landfill will contaminate the groundwater. Several hundred homes located very near the proposed landfill use water wells for their drinking water and these wells are at great risk of contamination over its forty-year life.

Contaminated fluids will be transported off the site and will cause surface water pollution. These polluted waters will be transported from the site into the surrounding North Walker Road community via rainfall runoff and local flooding from Lawrence and West Fork Spring Branch Creeks. These two creeks are very active and flow effluent groundwater and rainfall runoff. They often cause localized flooding in the adjacent communities. Lawrence creek bounds the eastern side of the site, then flows under North Walker Road and into the adjacent Walker Road community. West Fork Spring Branch Creek bounds the western side of the site. Both creeks cross under State Highway 105 into other communities to the south and southeast. Both creeks flow into Caney Creek further to the southeast and Caney Creek flows into Lake Houston.

RE: Montgomery Landfill Solutions, L. P.,
Proposed Permit No. 2324

There are several hundred homes in the North Walker Road community within a short distance from the site and more than one thousand existing or planned homes in the area to the south and southeast of State Highway 105. Contaminated surface water from the two creeks will flow through these communities.

As mentioned earlier Lawrence Creek and West Fork Spring Branch Creek often cause localized flooding in the North Walker Road community. I have great concern about the affect this gigantic 473 acre, 17+ stories tall mound of trash will have on an area that is already very prone to flooding.

It is also my understanding that the applicant does not own 100% of the mineral rights beneath the proposed sight.

I am respectfully requesting that the TCEQ hold a contested case hearing on this application in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely

Leah D. Smith MS, PG
15787 Miller Road
Conroe, Texas 77303

Cc: Senator-Todd Staples, Senator-Tommy Williams, Representative-Ruben Hope Jr., Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart, County Commissioner Pct. 2-Craig Doyle, County Commissioner Pct. 1-Mike Meador, Count Commissioner Pct. 3-Ed Chance, HGACG Solid Waste Program Manager-Cheryl Mergo

Spoke 1st

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:40
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Leah D. Smith

Address: 15787 MILLER Rd

City/State: Conroe, TX **Zip:** 77303

Phone: (936) 445-1493

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? Citizens Against Montgomery Landfill

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**
(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

RECEIVED
SECRETARY OF STATE
MAY 12 2004
EXECUTIVE DIVISION

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PM
H

Office of the Chief Clerk
MC 105, TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

May 3, 2004

2004 MAY 17 PM 3:01
CHIEF CLERKS OFFICE

OPA
MAY 18 2004
BY

RE: Montgomery Landfill Solutions, L. P., proposed Permit No. 2324

Dear Sir or Madam:

This letter is to express my objection to the proposed Montgomery Landfill Solutions, L. P. (MLS) Type IV landfill site at 3761 North Walker Road, Cleveland, Texas. I am a resident in the area and I am a licensed, degreed geologist with more that twenty years of work experience in my field.

The proposed landfill location, on North Walker Road, approximately 1.5 miles north of State Highway 105 is unsuitable. A landfill at this location poses a very real threat to the health and safety of the several hundred families living within one mile of the site. In my opinion, an engineering design that will adequately address the geology and hydrology of the proposed site, insure the safety and welfare of the local community and protect and preserve valuable groundwater resources is not possible.

Contaminated fluids leaking from the landfill into the groundwater will contaminate water wells in the immediate area. Several hundred homes within a one-mile radius of the proposed landfill use water wells for their drinking water. These wells are perforated in the Evangeline aquifer and the base of the proposed landfill will be at or very near the top of this aquifer. The strata below the base of the landfill is primarily sand, silt and gravel thus putting the water wells in the area at great risk of contamination over its forty-year life. The Evangeline aquifer is the primary source of drinking water for East Montgomery County and it is also an important water source for parts of Harris County. Polluting this aquifer would therefore pose a hazard to the larger community.

Contaminated fluids will be transported off the site and into the surrounding North Walker Road community via rainfall runoff and local flooding from Lawrence and West Fork Spring Branch Creeks. These two creeks are very active and flow effluent groundwater and rainfall runoff for most of the year. They often cause localized flooding in the adjacent communities. Lawrence creek bounds the eastern side of the site, then flows under North Walker Road and into the adjacent Walker Road community. West Fork Spring bounds the western side of the site. Both creeks cross under State Highway 105 into other communities to the south and southeast.

Smith, Leal

37868 PM
MSW H

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 12 PM 3:00

CHIEF CLERKS OFFICE

OPA
MAY 13 2004
BY

Office of the Chief Clerk
MC 105, TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

May 3, 2004

RE: Montgomery Landfill Solutions, L. P., proposed Permit No. 2324

Dear Sir or Madam:

This letter is to express my objection to the proposed Montgomery Landfill Solutions, L. P. (MLS) Type IV landfill site at 3761 North Walker Road, Cleveland, Texas. I am a resident in the area and I am a licensed, degreed geologist with more that twenty years of work experience in my field.

The proposed landfill location, on North Walker Road, approximately 1.5 miles north of State Highway 105 is unsuitable. A landfill at this location poses a very real threat to the health and safety of the several hundred families living within one mile of the site. In my opinion, an engineering design that will adequately address the geology and hydrology of the proposed site, insure the safety and welfare of the local community and protect and preserve valuable groundwater resources is not possible.

Contaminated fluids leaking from the landfill into the groundwater will contaminate water wells in the immediate area. Several hundred homes within a one-mile radius of the proposed landfill use water wells for their drinking water. These wells are perforated in the Evangeline aquifer and the base of the proposed landfill will be at or very near the top of this aquifer. The strata below the base of the landfill is primarily sand, silt and gravel thus putting the water wells in the area at great risk of contamination over its forty-year life. The Evangeline aquifer is the primary source of drinking water for East Montgomery County and it is also an important water source for parts of Harris County. Polluting this aquifer would therefore pose a hazard to the larger community.

Contaminated fluids will be transported off the site and into the surrounding North Walker Road community via rainfall runoff and local flooding from Lawrence and West Fork Spring Branch Creeks. These two creeks are very active and flow effluent groundwater and rainfall runoff for most of the year. They often cause localized flooding in the adjacent communities. Lawrence creek bounds the eastern side of the site, then flows under North Walker Road and into the adjacent Walker Road community. West Fork Spring bounds the western side of the site. Both creeks cross under State Highway 105 into other communities to the south and southeast.

There are several hundred homes in the North Walker Road community within a mile of the site and more than one thousand existing or planned homes in the area to the south and southeast of State Highway 105. Contaminated surface water from the two creeks will flow through these communities.

As a resident in the area, and as a parent with two children attending Caney Creek High school, I am also very concerned about the overwhelming influx of large truck traffic that will access the landfill. These trucks will use local roadways that pass by the Caney Creek-Moorhead-Grangerland regional school complex located at the intersection of County Road 1485 and State Road 2090. The trucks will also pass by Austin Elementary School located on State Highway 105, in Cut and Shoot, approximately 3.5 miles west of the landfill site. This influx of large trucks will put parents, young school children and high school students in danger as they travel back and forth to school. This is a safety issue of enormous impact. Is this landfill worth the life of even one child or youth in this area?

I am respectfully requesting that the TCEQ public meeting and a contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

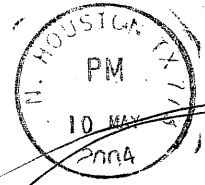
Sincerely,

Leah D. Smith

Leah D. Smith MS, PG
15787 Miller Road
Conroe, Texas 77303

Cc: Senator-Todd Staples, Senator-Tommy Williams, Representative-Ruben Hope Jr., Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart, County Commissioner Pct. 2-Craig Doyal, County Commissioner Pct. 1-Mike Meador, County Commissioner Pct. 3-Ed Chance, HGACG Solid Waste Program Manager-Ms. Cheryl Mergo

John & Leah Smith
15787 Miller Road
Conroe TX 77303



RECEIVED
SECRETARY OF STATE
MAY 12 2004
EXECUTIVE DIVISION

105

TCEQ
Box 13087

RECEIVED
MAY 12 2004
Mail Room

Gwyn Shea
Secretary of State
PO Box 12697
Austin, TX 78711

78711+2697 08

RECEIVED
SECRETARY OF STATE
MAY 12 2004
EXECUTIVE DIVISION

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PM
H

Office of the Chief Clerk
MC 105, TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

May 3, 2004

2004 MAY 17 PM 3:01
CHIEF CLERKS OFFICE

OPA
MAY 18 2004
BY

RE: Montgomery Landfill Solutions, L. P., proposed Permit No. 2324

Dear Sir or Madam:

This letter is to express my objection to the proposed Montgomery Landfill Solutions, L. P. (MLS) Type IV landfill site at 3761 North Walker Road, Cleveland, Texas. I am a resident in the area and I am a licensed, degreed geologist with more that twenty years of work experience in my field.

The proposed landfill location, on North Walker Road, approximately 1.5 miles north of State Highway 105 is unsuitable. A landfill at this location poses a very real threat to the health and safety of the several hundred families living within one mile of the site. In my opinion, an engineering design that will adequately address the geology and hydrology of the proposed site, insure the safety and welfare of the local community and protect and preserve valuable groundwater resources is not possible.

Contaminated fluids leaking from the landfill into the groundwater will contaminate water wells in the immediate area. Several hundred homes within a one-mile radius of the proposed landfill use water wells for their drinking water. These wells are perforated in the Evangeline aquifer and the base of the proposed landfill will be at or very near the top of this aquifer. The strata below the base of the landfill is primarily sand, silt and gravel thus putting the water wells in the area at great risk of contamination over its forty-year life. The Evangeline aquifer is the primary source of drinking water for East Montgomery County and it is also an important water source for parts of Harris County. Polluting this aquifer would therefore pose a hazard to the larger community.

Contaminated fluids will be transported off the site and into the surrounding North Walker Road community via rainfall runoff and local flooding from Lawrence and West Fork Spring Branch Creeks. These two creeks are very active and flow effluent groundwater and rainfall runoff for most of the year. They often cause localized flooding in the adjacent communities. Lawrence creek bounds the eastern side of the site, then flows under North Walker Road and into the adjacent Walker Road community. West Fork Spring bounds the western side of the site. Both creeks cross under State Highway 105 into other communities to the south and southeast.

Smith, Leal

There are several hundred homes in the North Walker Road community within a mile of the site and more than one thousand existing or planned homes in the area to the south and southeast of State Highway 105. Contaminated surface water from the two creeks will flow through these communities.

As a resident in the area, and as a parent with two children attending Caney Creek High school, I am also very concerned about the overwhelming influx of large truck traffic that will access the landfill. These trucks will use local roadways that pass by the Caney Creek-Moorhead-Grangerland regional school complex located at the intersection of County Road 1485 and State Road 2090. The trucks will also pass by Austin Elementary School located on State Highway 105, in Cut and Shoot, approximately 3.5 miles west of the landfill site. This influx of large trucks will put parents, young school children and high school students in danger as they travel back and forth to school. This is a safety issue of enormous impact. Is this landfill worth the life of even one child or youth in this area?

I am respectfully requesting that the TCEQ public meeting and a contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Leah D. Smith

Leah D. Smith MS, PG
15787 Miller Road
Conroe, Texas 77303

Cc: Senator-Todd Staples, Senator-Tommy Williams, Representative-Ruben Hope Jr., Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart, County Commissioner Pct. 2-Craig Doyal, County Commissioner Pct. 1-Mike Meador, County Commissioner Pct. 3-Ed Chance, HGACG Solid Waste Program Manager-Ms. Cheryl Mergo

John & Leah Smith
15787 Miller Road
Conroe TX 77303

N. HOUSTON, TX 773
PM
10 MAY
2004

GREETINGS
FROM
Far Far Away

2002

Office of the Chief Clerk
MC 105, TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

RECEIVED
MAY 12 2004
TCEQ

78711+3087

(6)

TCEQ Public Meeting Form

Thursday, April 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3: 32
CHIEF CLERKS OFFICE

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

PLEASE PRINT:

Name: Leah Smith

Address: 15787 Miller Rd

City/State: Conroe Tx Zip: 77303

Phone: (936) 445-1493

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CAML, Self

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

Question No.

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

OPA

MAR 10 2005

BY 9

PLEASE PRINT:

Name: Leah Smith

Address: 15787 Miller Rd

City/State: Conroe Tx Zip: 77303

Phone: (936) 445-1493

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CAMC Citizens Against Montgomery Landfills

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

John and Leah Smith
15787 Miller Rd
Conroe, Tx 77303

378768
MSW

March 10, 2005

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality, MC-105
12100 Park 35 Circle
Austin, Texas 78753

Re: Montgomery Landfill Solutions, L.P. Application for Municipal Solid Waste Permit No. 2324

Dear Ms Castañuela

These comments are being submitted as our response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) October 28, 2004. Our home is located approximately 1.2 miles west of the proposed landfill. Cited below are our comments to issues raised in opposition to the Montgomery Landfill Solutions Application for a Type IV facility.

Road Use

Several hundred families in the North Walker Road Community live within one mile of the proposed landfill site. North Walker Road is the primary access to the community and will be used as the only access to the proposed landfill. North Walker Road is a narrow two-lane winding asphalt road with limited visibility at several places along its course. Maximum Vehicle weight is 30,000 pounds. Large truck traffic will dominate access to the community thus putting the families and school children of this residential neighborhood in danger.

This community will be forced to share its main access with hundreds of large waste disposal trucks Monday through Saturday. The 239 to 323 truckloads per day cited in the proposal equate to 478-643 individual truck trips each day on North Walker Road. The stark reality is that a waste truck will pass down North Walker Road every 1 to 1.5 minutes each day. Large truck traffic will dominate access to the community, stressing the infrastructure, hindering access by emergency vehicles, endangering the safety of senior citizens, families commuting to and from work and children getting on or off the school bus.

Please answer these two questions that the technical team asked me to refer to formal comments
1) Where will the waste stream come from - what counties?
2) Is this liner system usual for this type of landfill? Are there other landfills in this area with this stratigraphy and water table? If so, where are they (name + location) and how long have they been active?

This projected truck traffic must also be added to the existing waste truck activity on State Highway 105 due to the Security Landfill located nearby. Security Landfill is located on State Highway 105 E, 1.6 miles southeast of the proposed site or 0.5 miles southeast of the intersection of North Walker Road and State Highway 105 E.

Security Landfill (and Waste Management Industrial Landfill on Loop 336 (7 miles to the west), both have short, less than one-half mile long, dedicated access roads.

Current Status

HGAC recommended that as a condition of the permit being granted, "North Walker Road should be improved to accommodate 80,000 pound weight loads and to increase the sight distance at the reverse curve (N Walker Rd and Parker Rd) before the facility begins receiving waste". HGAC also stated that firm plans and agreements addressing this requirement should be incorporated into any permit, if granted.

In addition, TCEQ made a condition in their Preliminary Decision (IX Special Provisions) that "The applicant shall not accept waste at the facility until all improvements to North Walker Road, as described in the application, are complete". The improvements are as follows:

"The reconstructed North Walker Road, from State Highway 105 to the entrance of the landfill will consist of a heavy industrial road suitable for current and proposed traffic conditions associated with the landfill development. The road will be designed for a maximum gross vehicle weight of 80,000 lbs., and so at a minimum shall include a 24-foot wide pavement section with 6-foot wide shoulders, a 6-inch stabilized sub-grade, an 8-inch thick base course, and a 4-inch thick asphalted surface course, or an equivalent designed as approved by Montgomery County. The North Walker Road reconstruction will include sight distance improvements as coordinated with Montgomery County." (MLS Type IV Landfill – Part II, Revised July 20, 2004, page II – 18a).

Deadly Impact of Increased Truck Traffic on Local Roadways

Large truck traffic will use IH 45, IH 59, local FM roads and nearby county roads to access the site. These roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger every day.

Impacted schools are:
-The Caney Creek-Moorehead-Grangerland Regional School Complex located at the intersection of FM 1485 and FM 2090.
-Austin Elementary located on State Highway 105 in Cut and Shoot approximately 1.9 miles west of the proposed site.
-The New Caney Elementary-Keefer Crossing Middle School Complex at the intersection of US 59 and FM 1485.

The Security landfill (1.6 miles to the southeast of the proposed site) is also currently amending its permit to enlarge the site and increase its aerial buildup, thus tripling capacity. The enlarged facility will add many more large trucks into the area as well. The added truck volume in the community and on State Highway 105 must also be considered in the applicant's projections.

DPS has been quoted in several Conroe Courier articles stating that Highway 105 between Conroe and Cleveland has been is one of the most dangerous roadways in Montgomery County. DPS attributes this to congestion resulting from growth in the area. Once again the health and safety of this growing community must be carefully assessed and considered.

HGAC recommended that as a condition of a permit being granted, traffic studies should be completed concerning the need for additional traffic safety controls at the intersection of Highway 105 and North Walker Road and along North Walker Road. Local residents recommend that traffic studies be done while school is in session, and not on a holiday or school district workday (when there are no classes) to accurately reflect traffic patterns in the area. To date, the applicant has not adequately addressed this issue.

Drainage and Flooding

The current landfill design does not adequately address surface water runoff and localized street flooding from storm events or frequent flooding from the two creeks that are located along the east and west boundaries of the proposed site. Lawrence Creek and an un-named tributary bound the landfill site on the east. West Fork Spring Branch Creek bounds the site on the west. Both Creeks flow off the site and into the greater Security and Midway communities located to the south and southeast. The creeks are active over much of the year as they flow effluent groundwater and rainfall runoff. Both creeks frequently cause localized flooding along North Walker Road and in the surrounding community.

Even though this site is not shown to be within the FEMA designated floodplain for the two creeks does not mean that it doesn't flood during a 100-year or more frequent event. Residents of the area have reported that significant flood events are very common. The applicant has not correctly determined the extent of the 100-year flood plain on the proposed site. The applicant has relied on an outdated FEMA Floodplain map for the landfill design. The northeastern portion of Montgomery County has not been updated since residential development began in the early 1990's. Further the applicant has not proven that no surface water or run-on water containing pollutants will escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private properties.

The Security/Midway communities and other communities downstream will be exposed to contaminated surface water from the site if this not adequately addressed.

HGAC noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. They point out that there are serious drainage problems on and near North Walker Road, despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill does not exacerbate localized flooding.

Regional Surface Water Contamination

Lawrence and West Fork Spring Branch Creeks both flow into Caney Creek which in turn flows into Lake Houston. Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill

Ground Water and Water Well Contamination

Contaminated water leaking from below the proposed landfill can contaminate water wells in the adjacent community. This is a significant hazard since several hundred families live within 75 feet to one-mile of the proposed site. All of the families in this area use water wells that are screened at depths ranging from 30 to 200 ft. These wells are perforated in either the Chicot or the Evangeline aquifer. The Chicot aquifer overlies the Evangeline aquifer and these aquifers are the primary source of drinking water for this area.

The base of the proposed landfill will be approximately 50 feet below the surface. This raises great concern for homeowners in the area since many wells are screened in water zones as shallow as 30 feet. The base of the landfill will actually cut into water zones that are feeding into local water wells. Several hundred water wells within a one-mile radius of the landfill are at great risk of contamination over the life of the landfill. The underlying Chicot and Evangeline aquifers are important sources of drinking water in East Montgomery County and in parts of Harris County. Both are at great risk of contamination very near essential recharge zones.

The proposed landfill design includes a clay liner that MLS claims will protect underlying aquifers from landfill pollutants. This liner must also resist the hydrostatic pressure exerted by the underlying aquifer and by the high groundwater table that is present over much of the year. It must also withstand a very high volume and weight of waste materials. The design, composition and structural integrity of this type of liner, in this setting, have not been well documented. The applicant has not demonstrated, with any reasonable level of confidence, that the liner will not fail over the life of the landfill. The damage cannot be repaired once the aquifer and surrounding water wells are contaminated

Excessive Aerial Buildup

The proposed landfill aerial buildup is 204 feet above the surface of the ground. This is the height of a 20-story building (an example is the Anadarko office building in The Woodlands, Texas). The proposed landfill profile will greatly exceed the height of the alleged tree cover on the site precluding even the most minimal screening for the proposed facility. Tree screening helps capture dust and particulate matter from landfill operations thus acting as a natural buffer to the surrounding community. This issue must be given serious consideration by TCEQ. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with the existing tree cover.

Landfill Clustering

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

Residents in the community believe that this area has been targeted for clustering of landfills. The HGAC waste management goals encourage the development of larger regional facilities to the extent practical and where such facilities would be the best alternative. Security Waste Management Landfill is expanding to triple its capacity.

Security will accommodate waste disposal for the next 29 years and will be able to accommodate the Type IV needs of Montgomery County. It is not prudent to force the Midway and Security communities and East Montgomery County to bear the waste disposal load for Montgomery and four (4) surrounding counties including Harris County. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

Growth and Land Use

This landfill proposal has been injected into a rapidly growing residential area. The landfill is bounded on the west by undeveloped land that separates it from the town of Cut and Shoot located 1.5 miles to the west. Since the 2,000 census, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes scheduled for construction within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. The Williams Road Community bounds the landfill site on the northwest. These communities are currently experiencing continuous, rapid residential and business growth. They are actually growing much more rapidly than Cut and Shoot. Several new subdivisions in the Security/Midway area are within 1 to 2 miles of the proposed site. Many additional new homes are planned for the area. There are also many platted lots on the market. Many small businesses and several churches are near or within the 1-mile radius of the proposed site.

The applicant used the 2,000 census and the growth projections for Cut and Shoot as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. Future land use in this area, if undisturbed will continue to be residential and business. There is currently very little industrial activity in the area.

Ms Donna Castanuela
March 10, 2005

Environmental Justice

East Montgomery County residents believe that landfill companies have identified the area as a target for future waste dumping businesses. As a result, the communities in East Montgomery County, because of the landfill sites, receive fewer economic benefits than the communities generating the waste. he impact to the low income and minority communities in East Montgomery County is disproportionate to the population in Montgomery County and the four surrounding counties. Retirees that have depended on the increase in the values of their homes will not be able to reap the benefit of their investment to sustain them in their latter years. Hispanics continue to be disenfranchised and suffer discrimination. Property values for all of East Montgomery County citizens will continue to plummet IF the proposed landfill is permitted. A precedent will also be set to allow multiple landfills to function within a small area regardless of economic and environmental impact.

Wetlands

A significant amount of acreage bordering the two creeks includes US Army Core of Engineers jurisdictional wetlands. According to the applicant, these lands are outside of the proposed landfill footprint. However the maps in the proposed permit documentation indicate that the boundary of the landfill is wedged up next to them. Pollution released during flooding, due to poor design, will damage these wetlands. Migratory birds such bluebirds, falcons, geese, ducks and Sandhill Cranes use these wetlands at certain times of the year. Whip-Poor-Wills are indigenous to this area. Habitat for all of these birds and others will be disturbed or irreparably damaged.

The Army Core of Engineers onsite inspection found approximately 57 acres of non-jurisdictional wetlands on the site that will be destroyed during construction. However, the wetlands are contiguous during seasonal flooding and help mitigate the flooding in the Midway Security Communities downstream. MLS chose not to mitigate 11 acres of non-jurisdictional wetlands. The citizens of the Midway, Security Community are extremely concerned that these wetlands have been summarily deemed dispensable via the landfill approval process. Wetland destruction is irreversible. There should be no doubt that the jurisdictional wetlands will not be harmed and the non-jurisdictional wetlands are truly of no consequence.

Sincerely,

John & Leah Smith

Date:

OPA

MAY 27 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 27 AM 9:55

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Leah D. Smith

Printed Name and Address

15787 Miller Rd

Conroe, TX, 77303

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:
CHIEF CLERK'S OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

LEAH D. SMITH

Printed Name and Address

15787 MILLER RD

CONROE, TX 77303

OPA

APR 30 2004

BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
378268

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 31

CHIEF CLERKS OFFICE
OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I rent a home within 1/2 mile of the proposed landfill and my address is 18678 Parker Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

R35

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

RBS

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

RBS

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Richard B. Smith

Richard B. Smith
18678 Parker Road
Cleveland, Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 3 T

USA 42

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 31
CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk - MC 105
TCEQ

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 JUN -1 AM 10: 41

CHIEF CLERKS OFFICE

May 4, 2004

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Proposed Permit # 2324

Dear Chief Clerk:

The entrance to our subdivision on Walker Road is the only entrance the trucks will also use. This is an outrage. The amount of trucks per day will average 1 truck every 1 minute into our subdivision. How would you like that many commercial trucks on your street each day? Think of what this will do to our community. Think about the safety of our children. Please do not allow this landfill to be in our subdivision.

Thank You,

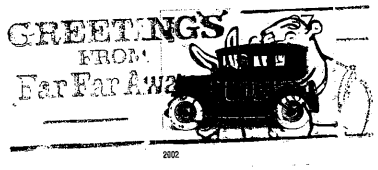
Robert Smith
Robert C. Smith
15378 Jody Lane
Conroe, Tx. 77303

OPA
JUN 01 2004
BY

I am requesting that the TCEQ public hearing on this application be held in Montgomery County, TX. I am also requesting that we be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County.

Robert Smith
15378 Jody Lane
Conroe, TX 77303

HOUSTON TX 770
PM
27 MAY
2004



Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RECEIVED
JUN 01 2004
TCEQ

78711+3087 12

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Robert Smith

Address: 15378 Jody Lane

City/State: Conroe, Tx Zip: 77303

Phone: (936) 523-0995

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

My ~~street~~ floods every time it rains hard & the landfill will cause it to back up even more. Plus - traffic is bad enough on 105 & now you wants us to deal with 500 more trucks per day?

No way

MSW
378U8

H OPA

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:19

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 0.5 miles from the proposed landfill and my address is 19524 Meadow Lake Rd, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

H S

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

H.S.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

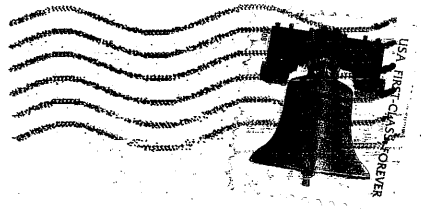
Sincerely

Herbert Somplasky

Herbert Somplasky

Herbert Semplasky
19524 Meadowlake Rd
Cleveland, TX 77328

HOUSTON TX 772
23 MAR 2009 PM 8 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

PM

Date: 4-22-04

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 22 PM 2:44
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

H. R. Somplasky
Signature

H.R. SomplASky
Printed Name and Address

19524 Meadow Lake Rd.
Cleveland. TX. 77328

OPA
APR 30 2004
BY R

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

NSW
378608

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

H OPA

2009 MAR 24 PM 3:13

BY KY CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 0.5 miles from the proposed landfill and my address is 19524 Meadow Lake Rd, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

MW

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

Sincerely

Nikki Somplasky

Nikki Somplasky

Nikki Somplasky
19524 Meadow Lake Rd
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 1 L

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 2 4 2009
TCEQ MAIL CENTER
RB

78711X3087

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 20 AM 9:56

CHIEF CLERKS OFFICE

OPA

PM H

DEC 20 2007

BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- NIKKI SOMPLASKY
Address- 19524 MEADOW LAKE, Cleveland, TX 77328
Phone- 281-432-0209

Distance from proposed site- APPROX 2 MILES

Negative impact to my health, safety and property will be - DANGER OF CONTAMINATION OF LAWRENCE CREEK WHICH RUNS THRU MY PROPERTY - EXTREME LOWERING OF PROPERTY VALUE - DANGER TO SAFETY OF PEOPLE & LIVESTOCK BY INCREASE OF TRUCK TRAFFIC + POLLUTION - INCREASED RISK OF FLOODING

Sincerely

Nikki Somplasky

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Sonplaxhy
19524 Meadow Lake Dr.
Cleveland, TX 77328

IN HOUSTON TX 773
18 DEC 2007 PM 5 L

HAPPY HOLIDAYS

USA FIRST-CLASS MAIL

Ms La Donna Castanuela, Chief Clerk
TCEQ
MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
DEC 20 2007
TCEQ MAIL CENTER
RB

78711+3087

Date: 4-22-04

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 27 PM 2:40
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Nicki Somplasky
Signature

Nicki Somplasky
Printed Name and Address
19524 Meadow Lake Rd.
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
378608

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 32

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I rent a home within 1 mile of the proposed landfill and my address is 11272 Hwy 105 E, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Kns

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

KNS

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

KNS

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Kathryn Spore

Kathryn Spore

Kathryn Spare
11272 Hwy 105 E,
CLEVELAND TEXAS, 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 3
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 8 L

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

The applicant has not provided adequ information about groundwater and aquifer c tions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- George Standley
Address- 6342 Greenwood Dr., Cleveland, TX 77328
Phone- 281-592-2146

PM
H

OPA
FEB 01 2008
BY GB

Distance from proposed site- 1/2 mile

Negative impact to my health, safety and property will be - ① Dangerous situation with the trucks to this area & surrounding tributaries of transportation
② health issue – hydrogen sulfide from rotting sheetrock, and other contaminents.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 FEB -1 AM 9:59
CHIEF CLERKS OFFICE

MSW
37868

Sincerely

George Standley

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MW

Linda Standley
6342 Greenwood Dr.
Cleveland, TX 77328-9405

N HOUSTON TX 773

30 JAN 2008 PM 3 L

USA FIRST-CLASS FOREVER

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
FEB 01 2008
TCEQ MAIL CENTER
RB

78711+3087

PUBCOMMENT-OCC2 - Re: Fwd: Public comment on Permit Number 2324

From: PUBCOMMENT-OCC2
Subject: Re: Fwd: Public comment on Permit Number 2324

MSW
37868

>>> PUBCOMMENT-OPA 3/30/2009 11:56 AM >>>
RFR

>>> PUBCOMMENT-OCC 3/27/2009 4:59 PM >>>

>>> 3/27/2009 3:01 PM >>>

REGULATED ENTY NAMEMONTGOMERY LANDFILL SOLUTIONS
RN NUMBER:RN104006879
PERMIT NUMBER:2324
DOCKET NUMBER:2005-1371-MSW
COUNTY:MONTGOMERY
PRINCIPAL NAME:MONTGOMERY LANDFILL SOLUTIONS LP
CN NUMBER:CN602494320
FROM
NAME: Linda Standley
E-MAIL:

COMPANY:
ADDRESS:6342 GREENWOOD DR
CLEVELAND TX77328-9405
PHONE:281-592-2146
FAX:
COMMENTS: March 23, 2009 Ms. LaDonna Castanuela Office of the Chief Clerk MC 105 Texas Commission on Environmental Quality 12100 Park 35 Circle Austin, Texas 78753 ATTENTION: Executive Director RE: Montgomery Landfill solutions Permit #2324 I would like to earnestly ask that you reconsider your decision on the above referenced permit. I have lived at my current residence for 24 years. We are located ½ mile from the proposed landfill. For one thing, with regard to the citizens of this community and their desire to contest this landfill, a very large portion of this areas population has not been given the opportunity to voice their concerns because of a language barrier. They are Spanish speaking and do not even realize what is about to be forced on them and their families. They deserve to be informed and to voice their concerns. How can you ensure meaningful public participation in the decision- making process if youve left such a large portion of the public out? Also, with regard to flooding, traffic, and environmental issues, I plead with you to look again, very closely, at the reasons that this applicant has given for the purpose of this landfill. As part of the Citizens Against Montgomery Landfills, weve already given you our concerns and scientific reasons that have already come at a great cost both financially and in valuable time. I know that landfills are necessary and they have to go somewhere but I dont understand the reasoning that this community should be forced to have a second one within 1.5 miles of the other. If a landfill is put in a remote area and someone is not concerned about hazards, then its not the landfills fault if someone moves next to it after its already established. However, to put a landfill (and such a massive one) right in the middle of a growing community who already has a landfill which has stated that they (Security Landfill) can hold all of the waste that would be generated by this landfill does not make good sense nor good science and just doesnt seem morally right. My family and my neighbors will have the burden of being subjected to hazards from two different directions. The applicant says this is needed for Montgomery County but saw fit to also garner business from other counties as well. This is not about need but about investment and profit at the sake of others. This application may be technically complete but should that

MW

be all that it takes to allow this to continue and endanger peoples lives and values? I really do respect that you have a job to do and this landfill application may not have gone as smooth as some others. We would not have lasted this long if it werent for the fact that there have been some real issues, some of which the applicant learned of (somehow) from us and was able to change their application. I guess, in a sense, we have helped them to get technically complete. That poses another concern. When a group of concerned citizens raise questions and concerns that an environental engineering firm have overlooked and see the need to correct, it makes me wonder what else we've all overlooked. Please consider the concerns of the majority and see that we really do have some very legitimate claims. Thank you so much for your attention. Respectfully, Linda Standley (& family) 6342 Greenwood Drive Cleveland, Texas 77328 281-592-0511 (wk) 281-592-2146 (hm) lbstandley@yahoo.com

MSW
378ces

H OPA

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 27 AM 10: 55

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
And surface mail

Ms. La Donna Castanuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 23, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Decision of the Executive Director dated February 26, 2009. I am opposed to this landfill permit and therefore request a contested case hearing.

I am a member of Citizens Against Montgomery Landfills (CAML).

My home, which is at 6342 Greenwood Drive, is located approximately ½ mile northeast of the proposed landfill and has been our homestead for 24 years. Because of our closeness to this proposed facility, I believe our family will be adversely affected in a manner not common to the general public. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

I dispute the following issues and feel they should be addressed in the Contested Case Hearing.

Comment 2 – Alternative Language Notice
Response 2: There is a very large number of Spanish speaking (only) citizens in our area that have not been included in this permitting process from start to present and whose voices have not been heard because they have not been informed. The Spanish speaking community was not notified by TCEQ until an amended application NAPD was published on December 21, 2007. I realize that the amendment to TCEQ's rules requiring alternate language notices did not take effect until November, 2005, but how can TCEQ "ensure meaningful public participation in the decision-making process" (TCEQ Agency Philosophy) if they have left a very large portion of the public out?

Comment 4 – State and Local Government Involvement
Response 4: This response did not accurately address the fact that Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. It would seem that HGAC took a neutral stance by their statement that the proposed facility is "neither consistent nor inconsistent with the Solid Waste Regional Plan", however further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft. height of the facility.

mw

Comment 6 – General Comments about Process
Response 6: Numerous public meetings are cited as the reason for the long permit timeline and fails to mention that Montgomery Landfill Solutions was required to address several protracted Notices of Deficiency on their original permit and the subsequent amendment. Montgomery Landfill Solutions was allowed many months to purchase additional land (three separate tracts) in an effort to access their proposed site. In fact, at the last Public Meeting, Montgomery Landfill Solutions failed to notify the public or TCEQ of the location of their latest entry citing it was still in the works. In withholding this information from the public, we were not permitted to voice concerns or ask competent questions of the new entry site.
This has been the style of the applicant's communication with the public from the start such as refusing to answer any questions at the second Public Meeting.
TCEQ cites that "Every application received by the TCEQ is reviewed to ensure compliance with all applicable rules." It's appreciated that we have an agency such as TCEQ to make sure that an applicant meets all the applicable rules. However, I think it's very unfair that meeting the applicable rules is all that TCEQ focuses on to grant a permit. The fact that it has taken the applicant 2 applications and numerous NOD's to get it right, scares me. You would think that an environmental engineering firm that designs landfills would be more aware of what is acceptable. I realize none of us know what's in store for the future, but I'm concerned that the owners may not have the capability of effectively operating a landfill of this size without incident.

Comment 11 – Location and Community Need
Response 11: While TCEQ does not have the authority to consider disproportionate impact within a region nor concerns regarding the clustering of MSW facilities, TCEQ does have the authority as stated in your Agency Philosophy to base decisions not only on the law and fiscal responsibility, but COMMON SENSE and GOOD SCIENCE. This landfill is not needed as the Waste Management Security Landfill can handle Montgomery County waste needs in its entirety. The proposed landfill is 1.5 miles away from the Security facility and the Midway Community will be sandwiched in between the two. We can't face the other direction in an effort to maintain our health and safety because the possible dangers will be coming at us from all sides. Not only will our own county be posing these threats on us, but 5 other counties will also contribute. This is not a community need but a financial venue for those with no regard for others.

Comment 13 – Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. This applicant's degree of engagement is not to a quality facility as much as it is a profitable transaction once the permit is approved.

Comment 15 – Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area and will eventually adversely impact human health and the environment. The proposed site is in the growth corridor for the community and is not compatible with growth trends in our area.

Our population in Montgomery County is exploding and the most current information that the applicant uses is nine years old for the most recent census and 4 years old from Cut and Shoot's population information. The Executive Director determined that the draft permit is protective of human health and safety, and the environment, in the surrounding community, however this is based on population numbers already surpassed and does not mention taking into account for growth. Also, it appears the TCEQ only uses information provided by the applicant to base their decisions.

Comment 16 – Access and Community Safety
Response 16: The traffic study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105.
Once 105 gets backed up, trucks will use any back road as a means to get into the landfill quicker. This does propose a threat to the safety of children in the area as well as vehicles traveling these roads. These roads do not have shoulders and the pavement drops off in many locations. Mailboxes are right up to the pavement. The damage to our roads will be an extra concern not to mention the fact that it will be our tax dollars that will have to repair them. I think the only concern of the drivers of these extra large trucks will be getting in to dump as quickly as they can.
It is already extremely dangerous when turning onto Hwy 105 from North Walker Road, especially if you cross the traffic to turn left (east). The number of trucks proposed in the application will make it almost impossible to pull out onto the highway.

Comment 19 – Accepted Waste & Illegal Dumping
Response 19: "A gate attendant will be stationed in the gatehouse adjacent to the landfill access road to screen incoming waste loads to prevent the disposal of prohibited wastes."
I would like to know how the gate attendant screens these trucks and how one person handles the amount of trucks expected each day.
I've been told that one of the large facilities in the Houston area pulls the independent owned trucks to the side and screens their trucks for large, visible objects, which they do have to remove if they are found on the trucks. However, the trucks owned by the landfill bypass the check in station and are not screened. If this happens at other landfills, it will no doubt happen here.
Your response is that "The operation standards and the submitted SOP *should* ensure that only allowed waste is accepted at the facility. The "should" doesn't make a very strong statement when people's health is at stake.
Another concern I have of the screening process will be addressed in Comment 33.

Comment 25 – Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. While my location will not directly be affected by run-off, my family will have to drive through the floodwaters that may be created from heavy rains. I'm very concerned about contamination from run-off from this site.

Comment 27 – Water and Soil Contamination
Response 27: TCEQ states "The proposed facility is designed to ***minimize*** the contamination of groundwater by installation of a liner system and a groundwater monitoring system." That statement proves to me that some contamination of groundwater is expected.
If TCEQ's Mission Statement is to "protect our state's human and natural resources", then I would ask that they follow their philosophy of basing decisions on common sense and good science. This massive landfill does not need to be in a residential area.

Comment 32: Air Pollution
Response 32: The 200 ft. height of the site will allow air pollutants from the site to be easily blown over the community by light winds.

Comment 33 - Landfill Gas & Hydrogen Sulfide Generation
Response 33: When the air we breathe is subjected to contamination, I believe quarterly monitoring is not sufficient. Also, I believe the monitoring needs to be done by an independent party not related to the program management of this facility nor the engineering firm that designed it. I believe this to be a conflict of interest.

Comment 43 – Other Business & Research Concerns
Response 43: Metroplex Industries, Inc. who has since changed their name to Metroplex Core, mentions on their website, under the heading Metroplex International Group, their "turnkey approach" and lists their other services such as Facility Management and Support, Facility Site Services, along with of course Engineering and Consultation. This can be seen under their listing, MetroPlex Core International at http://www.metroplex-inc.com/expertise.html. My concern is that it would seem that an engineering firm that designs a landfill has a conflict of interest if they are also in charge of the construction, management and responsible for monitoring. It would seem that any problems that might arise such as flooding or contamination would be a discredit to their design and thus create problems between the designer and the owner. I do know know if Metroplex's involvement with the landfill includes anything other than the engineering and design and I'm not making accusations but only stating concerns in an effort to protect my family's health and environment.

Respectfully,

Linda Standley

Linda Standley

MSW
37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 AM 9:40

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
And surface mail

Ms. La Donna Castanuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 23, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Decision of the Executive Director dated February 26, 2009. I am opposed to this landfill permit and therefore request a contested case hearing.

I am a member of Citizens Against Montgomery Landfills (CAML).

My home, which is at 6342 Greenwood Drive, is located approximately ½ mile northeast of the proposed landfill and has been our homestead for 24 years. Because of our closeness to this proposed facility, I believe our family will be adversely affected in a manner not common to the general public. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

I dispute the following issues and feel they should be addressed in the Contested Case Hearing.

Comment 2 – Alternative Language Notice
Response 2: There is a very large number of Spanish speaking (only) citizens in our area that have not been included in this permitting process from start to present and whose voices have not been heard because they have not been informed. The Spanish speaking community was not notified by TCEQ until an amended application NAPD was published on December 21, 2007. I realize that the amendment to TCEQ's rules requiring alternate language notices did not take effect until November, 2005, but how can TCEQ "ensure meaningful public participation in the decision-making process" (TCEQ Agency Philosophy) if they have left a very large portion of the public out?

Comment 4 – State and Local Government Involvement
Response 4: This response did not accurately address the fact that Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. It would seem that HGAC took a neutral stance by their statement that the proposed facility is "neither consistent nor inconsistent with the Solid Waste Regional Plan", however further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft. height of the facility.

MW

Comment 6 – General Comments about Process
Response 6: Numerous public meetings are cited as the reason for the long permit timeline and fails to mention that Montgomery Landfill Solutions was required to address several protracted Notices of Deficiency on their original permit and the subsequent amendment. Montgomery Landfill Solutions was allowed many months to purchase additional land (three separate tracts) in an effort to access their proposed site. In fact, at the last Public Meeting, Montgomery Landfill Solutions failed to notify the public or TCEQ of the location of their latest entry citing it was still in the works. In withholding this information from the public, we were not permitted to voice concerns or ask competent questions of the new entry site.
This has been the style of the applicant's communication with the public from the start such as refusing to answer any questions at the second Public Meeting.
TCEQ cites that "Every application received by the TCEQ is reviewed to ensure compliance with all applicable rules." It's appreciated that we have an agency such as TCEQ to make sure that an applicant meets all the applicable rules. However, I think it's very unfair that meeting the applicable rules is all that TCEQ focuses on to grant a permit. The fact that it has taken the applicant 2 applications and numerous NOD's to get it right, scares me. You would think that an environmental engineering firm that designs landfills would be more aware of what is acceptable. I realize none of us know what's in store for the future, but I'm concerned that the owners may not have the capability of effectively operating a landfill of this size without incident.

Comment 11 – Location and Community Need
Response 11: While TCEQ does not have the authority to consider disproportionate impact within a region nor concerns regarding the clustering of MSW facilities, TCEQ does have the authority as stated in your Agency Philosophy to base decisions not only on the law and fiscal responsibility, but COMMON SENSE and GOOD SCIENCE. This landfill is not needed as the Waste Management Security Landfill can handle Montgomery County waste needs in its entirety. The proposed landfill is 1.5 miles away from the Security facility and the Midway Community will be sandwiched in between the two. We can't face the other direction in an effort to maintain our health and safety because the possible dangers will be coming at us from all sides. Not only will our own county be posing these threats on us, but 5 other counties will also contribute. This is not a community need but a financial venue for those with no regard for others.

Comment 13 – Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. This applicant's degree of engagement is not to a quality facility as much as it is a profitable transaction once the permit is approved.

Comment 15 – Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area and will eventually adversely impact human health and the environment. The proposed site is in the growth corridor for the community and is not compatible with growth trends in our area.

Our population in Montgomery County is exploding and the most current information that the applicant uses is nine years old for the most recent census and 4 years old from Cut and Shoot's population information. The Executive Director determined that the draft permit is protective of human health and safety, and the environment, in the surrounding community, however this is based on population numbers already surpassed and does not mention taking into account for growth. Also, it appears the TCEQ only uses information provided by the applicant to base their decisions.

Comment 16 – Access and Community Safety
Response 16: The traffic study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105.
Once 105 gets backed up, trucks will use any back road as a means to get into the landfill quicker. This does propose a threat to the safety of children in the area as well as vehicles traveling these roads. These roads do not have shoulders and the pavement drops off in many locations. Mailboxes are right up to the pavement. The damage to our roads will be an extra concern not to mention the fact that it will be our tax dollars that will have to repair them. I think the only concern of the drivers of these extra large trucks will be getting in to dump as quickly as they can.
It is already extremely dangerous when turning onto Hwy 105 from North Walker Road, especially if you cross the traffic to turn left (east). The number of trucks proposed in the application will make it almost impossible to pull out onto the highway.

Comment 19 – Accepted Waste & Illegal Dumping
Response 19: "A gate attendant will be stationed in the gatehouse adjacent to the landfill access road to screen incoming waste loads to prevent the disposal of prohibited wastes."
I would like to know how the gate attendant screens these trucks and how one person handles the amount of trucks expected each day.
I've been told that one of the large facilities in the Houston area pulls the independent owned trucks to the side and screens their trucks for large, visible objects, which they do have to remove if they are found on the trucks. However, the trucks owned by the landfill bypass the check in station and are not screened. If this happens at other landfills, it will no doubt happen here.
Your response is that "The operation standards and the submitted SOP *should* ensure that only allowed waste is accepted at the facility. The "should" doesn't make a very strong statement when people's health is at stake.
Another concern I have of the screening process will be addressed in Comment 33.

Comment 25 – Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. While my location will not directly be affected by run-off, my family will have to drive through the floodwaters that may be created from heavy rains. I'm very concerned about contamination from run-off from this site.

Comment 27 – Water and Soil Contamination
Response 27: TCEQ states "The proposed facility is designed to ***minimize*** the contamination of groundwater by installation of a liner system and a groundwater monitoring system." That statement proves to me that some contamination of groundwater is expected.
If TCEQ's Mission Statement is to "protect our state's human and natural resources", then I would ask that they follow their philosophy of basing decisions on common sense and good science. This massive landfill does not need to be in a residential area.

Comment 32: Air Pollution
Response 32: The 200 ft. height of the site will allow air pollutants from the site to be easily blown over the community by light winds.

Comment 33 - Landfill Gas & Hydrogen Sulfide Generation
Response 33: When the air we breathe is subjected to contamination, I believe quarterly monitoring is not sufficient. Also, I believe the monitoring needs to be done by an independent party not related to the program management of this facility nor the engineering firm that designed it. I believe this to be a conflict of interest.

Comment 43 – Other Business & Research Concerns
Response 43: Metroplex Industries, Inc. who has since changed their name to Metroplex Core, mentions on their website, under the heading Metroplex International Group, their "turnkey approach" and lists their other services such as Facility Management and Support, Facility Site Services, along with of course Engineering and Consultation. This can be seen under their listing, MetroPlex Core International at http://www.metroplex-inc.com/expertise.html. My concern is that it would seem that an engineering firm that designs a landfill has a conflict of interest if they are also in charge of the construction, management and responsible for monitoring. It would seem that any problems that might arise such as flooding or contamination would be a discredit to their design and thus create problems between the designer and the owner. I do know know if Metroplex's involvement with the landfill includes anything other than the engineering and design and I'm not making accusations but only stating concerns in an effort to protect my family's health and environment.

Respectfully,

Linda Standley

Linda Standley

MSW 37868 PM

OPA

FEB 0 1 2008

H BY GB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB -1 AM 9:59

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

November

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Linda Standley
Address- 6342 Greenwood Dr, Cleveland, TX 77328
Phone- 281-592-2146

Distance from proposed site-

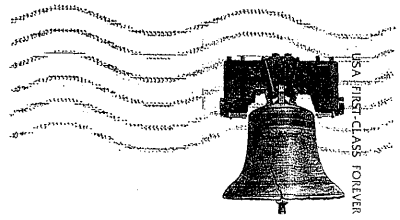
Negative impact to my health, safety and property will be - My health stands to be threatened from air-borne contaminates such as hydrogen sulfide. With the rains + flooding, I forsee this as a major problem when wet sheetrock + other flood debris is hauled into our neighborhood to be disposed of. I won't be able to breathe freely and that's my God given right. The traffic from 600 truck per day that will invade our roadways in our area is going to take lives or greatly alter lives because these roads are not built to handle the massive volume of trucks and Hwy. 105 is already a death trap. because there has been numerous head-on collisions between Cleveland + Conroe in the last few years. There has been so much growth in our area, N. Duck Creek Road is listed as an alternate route. I work at a manufacturing plant on that road 1/4 mile from Hwy. 105. There is no way that those trucks can safely go down the winding ~~roadway~~ curves + safely pass cars or school busses. Also, I'm not aware sometime narrow of any road study done on that road + if it's going to deemed an alternate route I think there needs to be one.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Linda Standley
6342 Greenwood Dr.
Cleveland, TX 77328-9405

N HOUSTON TX 773
30 JAN 2008 PM 3 L



Ms La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
FEB 01 2008
TCEQ MAIL CENTER
RB

78711+3087

TCEQ Public Meeting Form

Thursday, April 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:35
CHIEF CLERKS OFFICE

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

PLEASE PRINT:

Name: Linda Standley

Address: 6342 Greenwood

City/State: Cleveland TX **Zip:** 77328

Phone: (281) 592-2146

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

April 9, 2008

2008 APR 15 PM 3:38

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

CHIEF CLERKS OFFICE

OPA RECEIVED

APR 10 2008

AT PUBLIC MEETING

REFERENCE: MSW PERMIT #2324

I have great concerns about the proposed Montgomery Landfill.

My property is within ½ mile east northeast of the proposed site so thanks to the direction of the water flow, I shouldn't have a problem with runoff contamination like many of my neighbors will but I still will have to drive through it during heavy rains. The area where Lawrence Creek crosses North Walker Road (which is right beside the landfill) floods sometimes and the water gets so high and runs so fast you can't cross it. There are also other areas between this location and Hwy. 105 where water runs across the road.

My well is deep enough that hopefully we won't be affected right away like some of my neighbors who have shallow wells but I feel that water contamination is inevitable at some point and don't feel that my family or my neighbors should be exposed to this threat so someone can profit from a business venture.

I've driven through neighborhoods days after major flooding and seen the wet carpet and sheetrock laying in the street waiting to be picked up and disposed of. I've smelled it from inside my car and I remember so well how bad I felt for the people that were there trying to make repairs to their homes and I thought how can they possibly stand that smell because it almost took your breath away.

MW

At the time, I never thought about it as a health hazard and didn't know what hydrogen sulfide was.

That's what's going to be coming into this landfill. Everytime there's an area in one of these five counties that floods, my family and my neighbors are going to get the tons and tons of the flooded debris dumped in our neighborhood and be subjected to contaminates like hydrogen sulfide. Even the dry debri will rot when it gets wet and cause the same thing.

It's everyone's God given right to be able to breathe and I just can't see how that right can knowingly be taken away from us.

We were told by MLS early on that the county needed this landfill because of all the growth in the area. Although Security Landfill which is only 1 mile away has stated they can take in the volume of waste that this landfill proposes, Montgomery Landfill continues on. They also think that we should take on the waste from four other counties as well. That tells me that it's not for need but for want. Why should hundreds of families suffer for the owner's of this landfill's financial gain.

I have tried and I still can't imagine our neighborhood being invaded with up to 600 trucks per day. Please tell me how you can justify this.

Also, I work off of N. Duck Creek Road which has been designated as an alternate route. I travel this road four times per day during the work week and while some of the times that I travel it, there may not be any traffic to speak of, you still have to be extremely careful because of all the sharp curves on it. I'm sure there was probably a traffic study done on it, but that's only numbers. What about the dangerous curves and blind spots. Depending on what time I travel it in the morning, there are areas that the trees will disappear and you are suddenly blinded by the sun and believe me you are driving blind until you get into some more shade.

Has anyone at TCEQ traveled this road and seen how winding parts of it are. One day I came up behind a wreck on one of those tight 90 degree bends. It was a head-on collision between a school bus and a car but luckily no one was hurt. I don't know if one of these garbage trucks meeting a school bus could safely make the turn at the same time. That's a question that may need to be asked.

I also have many co-workers on North Duck Creek Road that turn left or east on Hwy. 105 heading toward Cleveland after work. They tell me they already have a really hard time pulling out onto Hwy. 105 and are already very concerned for their safety.

Hwy. 105 is getting busier all the time and I've heard lots of people refer to it over the years as a death trap because of the history of head-on collisions and the deaths that have occurred. I know you don't have any control over that, but you do have control over contributing to the amount of traffic that will added to it by this landfill.

I can tell you that if this landfill goes in, every pig trail in our area, designated by the permit or not, will be used by these trucks trying to get unloaded a little faster.

I invite you to please do us all the courtesy of visiting our area in person before you make your decision. Drive the roads in the area. Check out the existing houses and the new areas under development that's going to add more traffic once there completed. Watch out for the kids standing in their driveways waiting on their school buses and then make your decision

Sincerely,

Linda Standley
6342 Greenwood Dr.
Cleveland, TX 77328

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING
2004 AUG 11 PM 2:42
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 9, 2004

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Reference: Montgomery Landfill Solutions, L.P. Permit #2324

I live within ½ mile of the proposed landfill site and have for the past 20 years. I have many concerns that I'd like to address.

First, I'd like to refer to my letter, dated May 18, 2004, that was sent to your office to the attention of Ms. LaDonna Castanuela, Chief Clerk. In my letter, I mentioned that I thought Mr. David Crews, attorney for Montgomery Landfill Solutions, L.P. and Mr. Gary Horwitch, Chief Engineer for Metroplex Industries seemed to be unprepared for the meeting and at times confused on some of the issues.

Some questions went unanswered, such as, could an alternate entrance be used; why and how was this landfill site chosen; and would the landfill applicant swear under oath that all of the data submitted on the permit was based on fact and that the most recent statistical data and reports were used. I realize, that in the owner's absence, these gentlemen couldn't answer such questions as "would the owner consider an equal trade, acre for acre, in a much less populated area just down the road a few miles". Mr. Crews stated that he doubted it since all of the owners had already invested money on studying this particular location. They explained that the owners purchased in our area because land was so much cheaper. I didn't realize that "finding a more suitable location" as stated on the application could be referring to monetary value.

When Mr. Crews stood up to address the crowd, the first thing he mentioned, although I didn't hear a question, was that there were no county officials involved with this landfill. Later, he told us that he didn't know who the investors of MLS were.

Mr. Crews told the residents at the meeting that a construction landfill was needed in Montgomery County because of all of the ongoing construction. When he was asked why Montgomery County had to be the "dumping" ground for all of the other counties listed on the permit, his reply was that the landfill was only for Montgomery County. He was reminded that the application names 5 counties and his reply was that this was only a formality.

An article in the Conroe Courier dated August 5, 2004, states that data from the Houston Galveston Area Council of Governments indicates that the county produces about 1,300 tons of waste each day. Montgomery Landfill Solutions'application calls for 3,000 tons per day. If waste is not coming in from surrounding counties, then where is this additional 1,700 tons of waste coming from?

Someone at the meeting quoted Waste Management representative Chuck Rivette as saying that the landfill was not needed and that Security Landfill could intake anything that this proposed landfill plans to take in. Since that statement, Security Landfill has since applied for an expansion which if permitted should increase the landfill's remaining life to about 29 years according to an article in The Courier last week. (8/5/04)

My neighbors and I are concerned that this landfill if permitted, it will be upgrade to take in household trash and hazardous waste. Mr. Horwitch denied that statement (The Courier, January 4, 2004) however, he did mention at our first public meeting that methane pipes would be installed although they are not required for a Type IV landfill.

My immediate concern, should the landfill go in, is for the massive amount of traffic that this will create for myself, my family and my neighbors as we drive down N. Walker Road. I cringe to think what it will be like at the famous "S" curve on N. Walker Road, known to everyone in our area as a place of many accidents over the years and many near misses for some of us. I already feel like all of the new mailboxes that have gone up in the area are just waiting to take off my right side and especially when meeting traffic.

When we bought our property 20 years ago, someone trying to sell me property on the west side of the freeway told me that it rains on the east side more than it does the west side. I don't know why, but it appears to be some truth in that statement. It seems that we do get a lot of rain and we do get a lot of heavy downpours that sometimes last for quite a while. When the ground gets saturated and the streams get full, it comes over the road on N. Walker and in the last two or three years, we have noticed more frequent flooding and more areas of flooding.

Another problem that standing water seems to create for us is heavy fog. There are sections on North Walker that have very low visibility when we have fog. I know that this is usually only seasonal, however, this fog is present when our school buses are picking up children and often times it burns off slow due to the lack of sunshine.

I'm concerned with our groundwater becoming contaminated. I've read articles recently stating that Texas is losing some of its groundwater. Just last week, August 5, 2004, there was an article in The Courier about a "plan to identify new water sources for the future and to create management zones to preserve its groundwater". Alan Potok, vice president of Collie, Turner & Braden stated that "there is going to be a shortage of water unless some form of surface resource or conservation methods are put in place." The Courier also reports that "Montgomery County relies nearly exclusively on groundwater for its water supply. Water is a precious commodity and if we are indeed in danger of losing it, why then would anyone take a chance on contaminating it.

I drove through an area in Harris County several weeks after a very bad flood and people were still trying to repair the damages to their homes. The smell of all the carpet, sheetrock and lumber that was piled up on the curb in front of their houses was almost unbearable. I felt so sorry for these people and wondered how they could stand the odor.

I'm sure this is the kind of smells we will have to learn to endure. When it's wet it smells and when it's dry it blows. Considering the closeness of homes to this landfill, how can we be sure we'll be safe from airborne contaminates that would affect our skin and our respitory systems.

I'm sure we've all seen trash flying from garbage trucks at one time or another. Will our roads be kept free of debris, nails and screws? I'm sure that the trucks won't be the only ones littering. Crows, hogs and other birds and animals are sure to pick through and scatter litter. I've seen crows pick at a truckload of garbage filled bags and when they were shooed off they flew through the air carrying trash in their beaks and eventually dropped it everywhere.

I'd like to call to your attention to a Proposal for Decision on a landfill applicant in Brazoria County known as Juliff Gardens, LLC.(SOAH Docket No. 582-02-1595, TCEQ Docket No. 2002-0117-MSW). This applicant was applying for a new permit to operate a Type IV Municipal Solid Waste Landfill Facility (Permit No. MSW-2282). The reason I'm mentioning this landfill is because, first of all, it is similar to the landfill application by Montgomery Landfill Solutions and mostly because it was designed by Gary Horwitch who was at the time the president and chief engineer for HMA Environmental Services, Inc. (HMA) who is described on Metroplex Industries web page as being "an experienced groundwater/landfill design and management firm." After Metroplex Industries purchased HMA's stock, Mr. Horwitch became a Chief Operations Officer and Vice President of operations for Metroplex.

I'll only mention statements or findings as found under the ALJs Analysis (Administrative Law Judges). In this case the Administrative Law Judges or ALJs were Mr. Craig R. Bennett and Mr. Tommy L. Broyles, both from the State Office of Administrative Hearings. Their proposal for decision was signed June 24, 2004.

Section V, Flooding and Drainage Issues:

After considering the evidence and the arguments of the parties, the ALJ's conclude that Applicant has not properly determined whether the site (Juliff Landfill) is located within the 100-year floodplain.

In this case, the ALJ's conclude that the FEMA map relied on by Applicant does not purport to analyze the precise area of the Site. (Page 20)

Moreover, a letter from Penny Goode, Brazoria County Floodplain Administrator seems to confirm that the area was not studied. (Page 21)

After considering the totality of the evidence, the ALJs conclude that there is significant uncertainty as to whether the FEMA map actually addresses the area of the Site. At a minimum, the uncertainty creates enough doubt to cause the ALJs to conclude that (1) the

FEMA map is unreliable for purposes of determining whether the Site is within the 100-year floodplain, and (2) Applicant has not met its burden of proving that it properly identified whether the area is in the 100-year floodplain. (Page 22)

The ALJs find that Applicant has not adequately shown that the proposed Landfill will not cause a discharge of solid wastes or pollutants adjacent to or into water in the state in violation of TEX. WATER CODE #26.121, as is required under 30 TEX.ADMIN.CODE #330.55(b)(1). Applicant relies mostly on the FEMA floodplain map in concluding the Site is not within the 100-year floodplain. Based on this, Applicant asserts it was not required to engage in the more detailed flood analysis required by the Commission's rules, nor to develop levees or other flood control devices. In the ALJs' view, Applicant was mistaken in this regard. (Page 25)

Applicant's expert, Mr. Horwitch, then filed testimony prior to the hearing indicating the Site was properly protected from flooding by flood-protection levees, even stating the flood protection levees were designed to meet the Commission's rules and regulations.

When questioned at the hearing, Mr. Horwitch again reiterated that Applicant had designed flood-protection levees to protect the Site from the 100-year flood. However, when questioned on rebuttal, Mr. Horwitch completely reversed his prior testimony and indicated the levees around the Site were not flood-protection levees, but were instead "maintenance-type" levees for controlling internal drainage and for other internal maintenance and design features. (Page 27)

In closing arguments, Applicant agrees the levees are not flood-protection levees and asserts that Mr. Horwitch just became "confused" during cross-examination. (Page 28)

Given the weight of the evidence, the ALJs conclude that Applicant has not shown compliance with:
30 TEX. ADMIN.CODE #330.55(b)(1), 30 Tex.Admin.Code #330.55(b)(7), and
30 TEX.ADMIN. CODE #330.56(f)(4)(B)(i) all having to do with discharge of solid wastes or pollutants, construction of suitable levees, and identifying the 100 year flood level and any other special flooding factors.

As such, the ALJs recommended the permit be denied. (Page 29)

The ALJ's are concerned that Applicant has not adequately identified pre-and post development runoff volumes, as required by 30 TEX.ADMIN.CODE #330.57(F)(4)(A)(i). As noted, Applicant's expert could not verify whether such calculations were made. The testimony indicates that such calculations are not separately included in the Application or the evidence but could be derived from the drainage modeling information. Regardless, the information is not presented in the record in any form that the ALJs could identify and determine is sufficient. In the absence of such information, the ALJs cannot adequately analyze and determine what impact, if any, the Landfill will have on run-off volumes and how that impact will affect drainage to off-site locations. (Page 35)

Elsewhere, Applicant states that if there were a volume increase in run-off, "any increase in volume would not be released at a rate that adversely affects the downstream receiving body". If these statements by Applicant reflect a belief that so long as run-off flow rates are decreased, an increase in run-off volumes will *never* result in adverse effects downstream, the ALJs disagree. (Page 36)

For reasons stated above, the ALJs concluded that Applicant had not properly identified drainage patterns at and adjacent to the site nor demonstrated that the Landfill would not significantly alter natural drainage patterns. (Page 37)

VIII. Conformance with Regional Solid Waste Plan

The Projects Review Committee found the Application inconsistent with the HGAC Regional Solid Waste Management Plan, based on four categories of inconsistency: 1) lack of need, 2) lack of screening and aerial buildup for area 3) poor past operations 4) failure to properly consider drainage or flooding.

The HGAC Board of Directors found by a unanimous vote that the Landfill was inconsistenent with the HGAC Plan. (Page 55)

IX. Conclusion

The ALJs Conclusion (IX, Pg. 73) states that it is very important for landfill operators to fully and properly conduct flood analyses and address flooding concerns. In this case, Applicant did not do that. Moreover, Applicant does not have a sufficient interest in the property as required by 30 TEX.ADMIN.CODE #330.62 (a), and the Landfill also appears prohibited by TEX.HEALTH&SAFETY CODE #361.122. Finally, it appears inconsistent with regional planning goals, and is opposed buy the county in which it will be sited, the local council of governments, and the local drainage district. For all of these reasons, the ALJs recommend the permit be denied. (Page 73)

It is my understanding that there were 51 items in the first Notice of Deficiency. This greatly concerns me and especially after reviewing the case I just mentioned involving the Juliff Landfill in Brazoria County. It makes me wonder why there are so many violations and apparent contradictions. I certainly cannot fault anyone for making mistakes or leaving something undone. After all we all make mistakes, however this is a company with very highly educated and trained engineers who no doubt are being paid greatly for their design of this landfill. I wonder at what point do the engineers say to the owners that this simply will not work or do they just keep trying.

I would like to ask that the application for this landfill be given very careful scrutiny because if it goes in and does create problems, as we all know it will, we will all surely lose.

I would also like to request that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County.

Sincerely,

Linda Standley

Linda Standley
6342 Greenwood Drive
Cleveland, Texas 77328

CC: Senator Todd Staples
Senator Tommy Williams
Representative Rueben Hope, Jr.
Montgomery County Judge Alan B. Sadler
County Commissioner Pct. 4 – Ed Rinehart
County Commissioner Pct. 2 – Craig Doyal
County Commissioner Pct. 1 – Mike Meador
County Commissioner Pct. 3 – Ed Chance
HGACG Solid Waste Program Manager-Cheryl Mergo

194

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:42
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Linda Standley

Address: 6342 Greenwood

City/State: Cleveland, TX **Zip:** 77328

Phone: (281) 592-2146

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37868 MSW

OPA PM

MAR 10 2005

BY

March 10, 2005

Texas Commission on Environmental Quality

Reference: Montgomery Landfill Solutions, L.P. Permit #2324

I attended the Public Meeting held August 9, 2004 in Conroe, Texas and voiced my concerns at that time both orally and in writing. My concerns were and still are for the traffic, drainage, water and air contamination to name a few. I'm told that my comments are on record and will be considered by your Commissioners before this landfill application comes to a final decision.

I would like to expand on some of my concerns and mention some that may have not been brought to your attention.

First of all, I did mention my concerns with Metroplex Industries and their handling of this landfill as well as another one that I researched – the Juliff Garden Landfill.

After reading all of the notice of deficiencies that were made against that application left me with the impression that Metroplex Industries conducted a very negligent & irresponsible study.

I am now concerned more than ever about the landfill in our area. Just looking at the location that's been chosen for this site with all of the concerns and questions that have challenged this spot make me very nervous that some crucial point may get overlooked.

Metroplex Industries, who have since changed their name to MetroplexCore, show on their website to be a turnkey operation specializing in everything from consultation, to design, to construction, to management including compliance and monitoring services. They'll even pave the roads and as their website reads "skillfully manage community outreach, public sentiment, and the needs of every project". Mr. Z. You're not getting what you're paying for.

It makes me wonder if Metroplex is under contract for the turnkey operation and if so would they admit this may be a failed site and advise MLS or just continue to push for a permit in order to see the finished project and reap the rewards of operation.

These investors of MLS seem to not be concerned with spending whatever it takes to have this landfill in the location that it's in. It appears that they will fight to the finish no matter what it costs or how long it takes.

I also don't understand why MLS will not reveal who the owners of the landfill are. MLS, for whatever reason, felt the need to ask for a resolution from the City of Conroe in favor of their landfill when the City of Conroe has no jurisdiction over this area.

East Montgomery seems to be the target for the rest of the county to use as they please. Being that there is already a landfill (Security Waste Management Type I Landfill) less than a mile from this proposed site and Western Waste Industries Landfill seven miles in the opposite direction and Mid American Contractors Type V Transfer Station 8 miles from this site would give anyone the impression that this area in East Montgomery is being "dumped" on.

I don't feel that anyone should have the right to intrude on my family's health or our property in this way. It appears that someone, whether they are involved in MLS or possibly their counterparts, have designated East Montgomery County as a place of little value unless you need to dispose of something.

I strongly object to ~~attending~~ the applicants refusing to answer even general questions. I feel the public has the right to know certain answers. I strongly feel that MLS has something to hide (or someone who is in the public's eye.) These people need to be investigated. (over)

Linda Standley

I would like to request another public meeting ~~and~~ so that the absent investors of MLS and Mr Gary Horwitch might show their good faith and show up to answer our questions. All of my questions were to Mr. Horwitch of Metroplex and MLS. I wasted my time. I dont appreciate it and think it's very inconsiderate of the ~~people~~ applicants.

Also I was reminded by our pilot who took the aerials that it be stated into record that because of the massive tree cover you cannot get an accurate view of the many houses in the area.

Linda Standley

21

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: LINDA STANDLEY

Address: 6342 Greenwood Dr.

City/State: Cleveland **Zip:** 77328

Phone: (281) 592-2146

☑ **Please add me to the mailing list.** I was on the list but have not been getting mail from TCEQ lately

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**

If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

174

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

PLEASE PRINT:

Name: Linda Standley

Address: 6342 Greenwood

City/State: Cleveland, TX Zip: 77328

Phone: (281) 592-2146

☑ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

OPA RECEIVED
PM AUG 09 2004
AT PUBLIC MEETING

August 9, 2004

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Reference: Montgomery Landfill Solutions, L.P. Permit #2324

I live within ½ mile of the proposed landfill site and have for the past 20 years. I have many concerns that I'd like to address.

First, I'd like to refer to my letter, dated May 18, 2004, that was sent to your office to the attention of Ms. LaDonna Castanuela, Chief Clerk. In my letter, I mentioned that I thought Mr. David Crews, attorney for Montgomery Landfill Solutions, L.P. and Mr. Gary Horwitch, Chief Engineer for Metroplex Industries seemed to be unprepared for the meeting and at times confused on some of the issues.

Some questions went unanswered, such as, could an alternate entrance be used; why and how was this landfill site chosen; and would the landfill applicant swear under oath that all of the data submitted on the permit was based on fact and that the most recent statistical data and reports were used. I realize, that in the owner's absence, these gentlemen couldn't answer such questions as "would the owner consider an equal trade, acre for acre, in a much less populated area just down the road a few miles". Mr. Crews stated that he doubted it since all of the owners had already invested money on studying this particular location. They explained that the owners purchased in our area because land was so much cheaper. I didn't realize that "finding a more suitable location" as stated on the application could be referring to monetary value.

When Mr. Crews stood up to address the crowd, the first thing he mentioned, although I didn't hear a question, was that there were no county officials involved with this landfill. Later, he told us that he didn't know who the investors of MLS were.

Mr. Crews told the residents at the meeting that a construction landfill was needed in Montgomery County because of all of the ongoing construction. When he was asked why Montgomery County had to be the "dumping" ground for all of the other counties listed on the permit, his reply was that the landfill was only for Montgomery County. He was reminded that the application names 5 counties and his reply was that this was only a formality.

An article in the Conroe Courier dated August 5, 2004, states that data from the Houston Galveston Area Council of Governments indicates that the county produces about 1,300 tons of waste each day. Montgomery Landfill Solutions' application calls for 3,000 tons per day. If waste is not coming in from surrounding counties, then where is this additional 1,700 tons of waste coming from?

Someone at the meeting quoted Waste Management representative Chuck Rivette as saying that the landfill was not needed and that Security Landfill could intake anything that this proposed landfill plans to take in. Since that statement, Security Landfill has since applied for an expansion which if permitted should increase the landfill's remaining life to about 29 years according to an article in The Courier last week. (8/5/04)

My neighbors and I are concerned that this landfill if permitted, it will be upgrade to take in household trash and hazardous waste. Mr. Horwitch denied that statement (The Courier, January 4, 2004) however, he did mention at our first public meeting that methane pipes would be installed although they are not required for a Type IV landfill.

My immediate concern, should the landfill go in, is for the massive amount of traffic that this will create for myself, my family and my neighbors as we drive down N. Walker Road. I cringe to think what it will be like at the famous "S" curve on N. Walker Road, known to everyone in our area as a place of many accidents over the years and many near misses for some of us. I already feel like all of the new mailboxes that have gone up in the area are just waiting to take off my right side and especially when meeting traffic.

When we bought our property 20 years ago, someone trying to sell me property on the west side of the freeway told me that it rains on the east side more than it does the west side. I don't know why, but it appears to be some truth in that statement. It seems that we do get a lot of rain and we do get a lot of heavy downpours that sometimes last for quite a while. When the ground gets saturated and the streams get full, it comes over the road on N. Walker and in the last two or three years, we have noticed more frequent flooding and more areas of flooding.

Another problem that standing water seems to create for us is heavy fog. There are sections on North Walker that have very low visibility when we have fog. I know that this is usually only seasonal, however, this fog is present when our school buses are picking up children and often times it burns off slow due to the lack of sunshine.

I'm concerned with our groundwater becoming contaminated. I've read articles recently stating that Texas is losing some of its groundwater. Just last week, August 5, 2004, there was an article in The Courier about a "plan to identify new water sources for the future and to create management zones to preserve its groundwater". Alan Potok, vice president of Collie, Turner & Braden stated that "there is going to be a shortage of water unless some form of surface resource or conservation methods are put in place." The Courier also reports that "Montgomery County relies nearly exclusively on groundwater for its water supply. Water is a precious commodity and if we are indeed in danger of losing it, why then would anyone take a chance on contaminating it.

I drove through an area in Harris County several weeks after a very bad flood and people were still trying to repair the damages to their homes. The smell of all the carpet, sheetrock and lumber that was piled up on the curb in front of their houses was almost unbearable. I felt so sorry for these people and wondered how they could stand the odor.

I'm sure this is the kind of smells we will have to learn to endure. When it's wet it smells and when it's dry it blows. Considering the closeness of homes to this landfill, how can we be sure we'll be safe from airborne contaminates that would affect our skin and our respitory systems.

I'm sure we've all seen trash flying from garbage trucks at one time or another. Will our roads be kept free of debris, nails and screws? I'm sure that the trucks won't be the only ones littering. Crows, hogs and other birds and animals are sure to pick through and scatter litter. I've seen crows pick at a truckload of garbage filled bags and when they were shooed off they flew through the air carrying trash in their beaks and eventually dropped it everywhere.

I'd like to call to your attention to a Proposal for Decision on a landfill applicant in Brazoria County known as Juliff Gardens, LLC.(SOAH Docket No. 582-02-1595, TCEQ Docket No. 2002-0117-MSW). This applicant was applying for a new permit to operate a Type IV Municipal Solid Waste Landfill Facility (Permit No. MSW-2282). The reason I'm mentioning this landfill is because, first of all, it is similar to the landfill application by Montgomery Landfill Solutions and mostly because it was designed by Gary Horwitch who was at the time the president and chief engineer for HMA Environmental Services, Inc. (HMA) who is described on Metroplex Industries web page as being "an experienced groundwater/landfill design and management firm." After Metroplex Industries purchased HMA's stock, Mr. Horwitch became a Chief Operations Officer and Vice President of operations for Metroplex.

I'll only mention statements or findings as found under the ALJs Analysis (Administrative Law Judges). In this case the Administrative Law Judges or ALJs were Mr. Craig R. Bennett and Mr. Tommy L. Broyles, both from the State Office of Administrative Hearings. Their proposal for decision was signed June 24, 2004.

Section V, Flooding and Drainage Issues:

After considering the evidence and the arguments of the parties, the ALJ's conclude that Applicant has not properly determined whether the site (Juliff Landfill) is located within the 100-year floodplain.

In this case, the ALJ's conclude that the FEMA map relied on by Applicant does not purport to analyze the precise area of the Site. (Page 20)

Moreover, a letter from Penny Goode, Brazoria County Floodplain Administrator seems to confirm that the area was not studied. (Page 21)

After considering the totality of the evidence, the ALJs conclude that there is significant uncertainty as to whether the FEMA map actually addresses the area of the Site. At a minimum, the uncertainty creates enough doubt to cause the ALJs to conclude that (1) the

FEMA map is unreliable for purposes of determining whether the Site is within the 100-year floodplain, and (2) Applicant has not met its burden of proving that it properly identified whether the area is in the 100-year floodplain. (Page 22)

The ALJs find that Applicant has not adequately shown that the proposed Landfill will not cause a discharge of solid wastes or pollutants adjacent to or into water in the state in violation of TEX. WATER CODE #26.121, as is required under 30 TEX.ADMIN.CODE #330.55(b)(1). Applicant relies mostly on the FEMA floodplain map in concluding the Site is not within the 100-year floodplain. Based on this, Applicant asserts it was not required to engage in the more detailed flood analysis required by the Commission's rules, nor to develop levees or other flood control devices. In the ALJs' view, Applicant was mistaken in this regard. (Page 25)

Applicant's expert, Mr. Horwitch, then filed testimony prior to the hearing indicating the Site was properly protected from flooding by flood-protection levees, even stating the flood protection levees were designed to meet the Commission's rules and regulations.

When questioned at the hearing, Mr. Horwitch again reiterated that Applicant had designed flood-protection levees to protect the Site from the 100-year flood. However, when questioned on rebuttal, Mr. Horwitch completely reversed his prior testimony and indicated the levees around the Site were not flood-protection levees, but were instead "maintenance-type" levees for controlling internal drainage and for other internal maintenance and design features. (Page 27)

In closing arguments, Applicant agrees the levees are not flood-protection levees and asserts that Mr. Horwitch just became "confused" during cross-examination. (Page 28)

Given the weight of the evidence, the ALJs conclude that Applicant has not shown compliance with:
30 TEX. ADMIN.CODE #330.55(b)(1), 30 Tex.Admin.Code #330.55(b)(7), and
30 TEX.ADMIN. CODE #330.56(f)(4)(B)(i) all having to do with discharge of solid wastes or pollutants, construction of suitable levees, and identifying the 100 year flood level and any other special flooding factors.

As such, the ALJs recommended the permit be denied. (Page 29)

The ALJ's are concerned that Applicant has not adequately identified pre-and post development runoff volumes, as required by 30 TEX.ADMIN.CODE #330.57(F)(4)(A)(i). As noted, Applicant's expert could not verify whether such calculations were made. The testimony indicates that such calculations are not separately included in the Application or the evidence but could be derived from the drainage modeling information. Regardless, the information is not presented in the record in any form that the ALJs could identify and determine is sufficient. In the absence of such information, the ALJs cannot adequately analyze and determine what impact, if any, the Landfill will have on run-off volumes and how that impact will affect drainage to off-site locations. (Page 35)

Elsewhere, Applicant states that if there were a volume increase in run-off, "any increase in volume would not be released at a rate that adversely affects the downstream receiving body". If these statements by Applicant reflect a belief that so long as run-off flow rates are decreased, an increase in run-off volumes will *never* result in adverse effects downstream, the ALJs disagree. (Page 36)

For reasons stated above, the ALJs concluded that Applicant had not properly identified drainage patterns at and adjacent to the site nor demonstrated that the Landfill would not significantly alter natural drainage patterns. (Page 37)

VIII. Conformance with Regional Solid Waste Plan

The Projects Review Committee found the Application inconsistent with the HGAC Regional Solid Waste Management Plan, based on four categories of inconsistency: 1) lack of need, 2) lack of screening and aerial buildup for area 3) poor past operations 4) failure to properly consider drainage or flooding.

The HGAC Board of Directors found by a unanimous vote that the Landfill was inconsistenent with the HGAC Plan. (Page 55)

IX. Conclusion

The ALJs Conclusion (IX, Pg. 73) states that it is very important for landfill operators to fully and properly conduct flood analyses and address flooding concerns. In this case, Applicant did not do that. Moreover, Applicant does not have a sufficient interest in the property as required by 30 TEX.ADMIN.CODE #330.62 (a), and the Landfill also appears prohibited by TEX.HEALTH&SAFETY CODE #361.122. Finally, it appears inconsistent with regional planning goals, and is opposed buy the county in which it will be sited, the local council of governments, and the local drainage district. For all of these reasons, the ALJs recommend the permit be denied. (Page 73)

It is my understanding that there were 51 items in the first Notice of Deficiency. This greatly concerns me and especially after reviewing the case I just mentioned involving the Juliff Landfill in Brazoria County. It makes me wonder why there are so many violations and apparent contradictions. I certainly cannot fault anyone for making mistakes or leaving something undone. After all we all make mistakes, however this is a company with very highly educated and trained engineers who no doubt are being paid greatly for their design of this landfill. I wonder at what point do the engineers say to the owners that this simply will not work or do they just keep trying.

I would like to ask that the application for this landfill be given very careful scrutiny because if it goes in and does create problems, as we all know it will, we will all surely lose.

I would also like to request that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County.

Sincerely,

Linda Standley

Linda Standley
6342 Greenwood Drive
Cleveland, Texas 77328

CC: Senator Todd Staples
Senator Tommy Williams
Representative Rueben Hope, Jr.
Montgomery County Judge Alan B. Sadler
County Commissioner Pct. 4 – Ed Rinehart
County Commissioner Pct. 2 – Craig Doyal
County Commissioner Pct. 1 – Mike Meador
County Commissioner Pct. 3 – Ed Chance
HGACG Solid Waste Program Manager-Cheryl Mergo

May 18, 2004

TEX COMMI ON ENVIRO QUAL

2004 JUN -4 53

CHIEF CLERKS OFFICE

FAXED 5/28/04

PM

37868 MSW

OPA

JUN 04 2004

BY

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

Standley, Linda

These gentlemen told us that Montgomery County needed a construction landfill because of all of the construction going on in the county and that the trucks hauling debris were having to drive too far.

When asked again "why this area" and why not closer to where they say the construction is heavier to save gas and time, their reply was because the land was cheaper here. They said it would cost too much to buy land in the areas of heavier construction.

Someone at the meeting offered Montgomery Landfill Solutions an equal amount of property, as an exchange, acre for acre, in another, much less populated area only a few miles down the road. Their reply was that the owners had invested too much money to consider moving the landfill elsewhere.

Are they not suppose to seek other, more suitable areas?

All of the timber that has been cut in this area for both construction and profit has created additional flooding problems for many of us. I was told when we bought our property twenty years ago that we needed to go west of town because it rains here all the time. Sometimes I really believe that because we certainly have our share of torrential downpours. This area is so full of creeks and gullies and tributaries that they fill up in no time and cause flooding. In the last year or so, we've noticed that with each heavy rain there seems to be new places where water crosses and/or floods the roads.

All of this run-off water is only going to increase. I'm told by people who have lived here all of their lives and hunted on the proposed site that it holds water. When this huge mound of dirt (or debris) creates such a waterfall, as it will, we are going to be in big trouble! What will happen when the holding tanks or retainage ponds are full to capacity and the rain doesn't stop? Many people in this area depend on their gardens to cut down on food costs. Who is going to be responsible when this run-off storm water contaminates their wells and their supplemental food supply.

Also, what about the livestock? This area is heavily populated with cattle, goats and hogs and many are slaughtered for food as well as deer, rabbits and squirrels. Won't contaminated run-off water affect them and eventually us when they are consumed? It's my understanding that this proposed landfill site sits between two major aquifers. Doesn't that increase the risk of contaminated drinking water?

When asked why Montgomery County had to be the "dumping" ground for the other counties listed on their permit, Mr. Crews' reply was that it wasn't for any county but Montgomery. When he was reminded of the five (5) counties that were listed as the "service area" on the permit application, his answer was that that is only a formality. So then, if that's the case, does that mean that Montgomery County alone will generate 3,000 tons per day of construction debris? Will Montgomery County alone be responsible for the mass volume of truck traffic that this will create for Walker Road and the already overcrowded Hwy. 105?

If that is the case, then I would think that this application for permit should be looked at very carefully. I've heard on the news and read in the paper that Montgomery County is one of the fastest growing counties in the state. If we are creating that much waste because of such an increase in population, then that would only increase the risks to the number of people that could be harmed!

Mr. Crews also said that this landfill was needed because of all of the illegal dumping in the county. First of all, I believe the people who dump illegally, will continue to do so. I think their habits are not for lack of facility but rather lack of money for the landfill fees or they just don't care. Do my family and neighbors need to suffer the ill effects of a landfill because of the misconduct of a few?

Mr. Crews denied that the owners would try to upgrade this landfill but he did mention that they were going to put in the methane pipes even though that they were not required to. I would think that would be an awful lot of money to spend for no reason.

I can't even imagine traveling down Walker Road and having to pull off to let trucks by. The road is already dangerous as it doesn't have any shoulders and there's not any room for any. In fact, an infant was killed a few years ago because the mother tried to dodge a box in the road and her tire dropped off the pavement into a hole or washout that was covered up by weeds. She hit so hard that the dashboard caved into the infant's car seat. There is a very sharp "S" curve on Walker Road that has seen numerous accidents, as there is another road intersecting in that same spot. You have to be very careful to watch for oncoming traffic that a lot of times comes around the curve in your lane. Also, there are no ditches along most of Walker Road to catch the water that stands on the road and many of the homes along the road don't have any room for any widening or adding shoulders or ditches. We will definitely need the shoulders and the ditches!

I feel pretty confident in saying that this road and big trucks don't mix just, as drinking and driving don't. There will almost certainly be a tragic accident whether it will be all vehicle involved, or it will involve one of the school kids waiting on a bus.

Anyone who has lived here for a while will tell you how much the area has grown since the 1997 study that was done by Metropex Industries. Also, I'm sure that their studies on traffic on Walker Road had to be done during a time when there were neither school buses nor work traffic traveling on it.

I'd like to say that some of us have been told that we are spinning our wheels because the permit for this landfill has already been granted. I asked a TCEQ employee a question about TCEQ's permitting process and was told to ask Metroplex Industries if I had any questions. I let it go, but I don't understand why the engineering firm should answer my question about TCEQ's guidelines. I certainly wouldn't ask my opponent to teach me how to play a game! That made me wonder if there is some truth in what I've heard.

I would like to request another public meeting and this time I would hope that the owner's would be there to address the community that it plans on infringing on and not give the appearance of being unconcerned with the affects this landfill will have on our lives.

I believe there **needs** to be another public meeting and would hope that TCEQ takes a good long look at "Protecting Texas by Reducing and Preventing Pollution" because this landfill will certainly create pollution and it stands to harm the many families, livestock and wildlife that share this area.

If the rumors are only that, just rumors, and this landfill has not yet been permitted, then I thank TCEQ for giving the people of this area the opportunity to voice our concerns and I would ask that you please give these matters I've mentioned careful consideration.

Sincerely,

Linda Standley

Linda Standley

CC: Ms. Kathleen Hartnett White, Chairman
Mr. R.B. "Ralph" Marquez, Commissioner
Mr. Larry R. Soward, Commissioner
Ms. Margaret Hoffman, Executive Director
Mr. Richard Carmichael, Permits Division
Ms. Sharon Smith, Environmental Law Division
Ms. Jodena N. Henneke, Director, Office of Pub. Assist.

May 18, 2004

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

FAXED 5/28/04

PM

37868
MSW

2004 JUN - 1 PM 3: 53
CHIEF CLERKS OFFICE

OPA

JUN 04 2004

BY

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

These gentlemen told us that Montgomery County needed a construction landfill because of all of the construction going on in the county and that the trucks hauling debris were having to drive too far.

When asked again "why this area" and why not closer to where they say the construction is heavier to save gas and time, their reply was because the land was cheaper here. They said it would cost too much to buy land in the areas of heavier construction.

Someone at the meeting offered Montgomery Landfill Solutions an equal amount of property, as an exchange, acre for acre, in another, much less populated area only a few miles down the road. Their reply was that the owners had invested too much money to consider moving the landfill elsewhere.

Are they not suppose to seek other, more suitable areas?

All of the timber that has been cut in this area for both construction and profit has created additional flooding problems for many of us. I was told when we bought our property twenty years ago that we needed to go west of town because it rains here all the time. Sometimes I really believe that because we certainly have our share of torrential downpours. This area is so full of creeks and gullies and tributaries that they fill up in no time and cause flooding. In the last year or so, we've noticed that with each heavy rain there seems to be new places where water crosses and/or floods the roads.

All of this run-off water is only going to increase. I'm told by people who have lived here all of their lives and hunted on the proposed site that it holds water. When this huge mound of dirt (or debris) creates such a waterfall, as it will, we are going to be in big trouble! What will happen when the holding tanks or retainage ponds are full to capacity and the rain doesn't stop? Many people in this area depend on their gardens to cut down on food costs. Who is going to be responsible when this run-off storm water contaminates their wells and their supplemental food supply.

Also, what about the livestock? This area is heavily populated with cattle, goats and hogs and many are slaughtered for food as well as deer, rabbits and squirrels. Won't contaminated run-off water affect them and eventually us when they are consumed? It's my understanding that this proposed landfill site sits between two major aquifers. Doesn't that increase the risk of contaminated drinking water?

When asked why Montgomery County had to be the "dumping" ground for the other counties listed on their permit, Mr. Crews' reply was that it wasn't for any county but Montgomery. When he was reminded of the five (5) counties that were listed as the "service area" on the permit application, his answer was that that is only a formality. So then, if that's the case, does that mean that Montgomery County alone will generate 3,000 tons per day of construction debris? Will Montgomery County alone be responsible for the mass volume of truck traffic that this will create for Walker Road and the already overcrowded Hwy. 105?

If that is the case, then I would think that this application for permit should be looked at very carefully. I've heard on the news and read in the paper that Montgomery County is one of the fastest growing counties in the state. If we are creating that much waste because of such an increase in population, then that would only increase the risks to the number of people that could be harmed!

Mr. Crews also said that this landfill was needed because of all of the illegal dumping in the county. First of all, I believe the people who dump illegally, will continue to do so. I think their habits are not for lack of facility but rather lack of money for the landfill fees or they just don't care. Do my family and neighbors need to suffer the ill effects of a landfill because of the misconduct of a few?

Mr. Crews denied that the owners would try to upgrade this landfill but he did mention that they were going to put in the methane pipes even though that they were not required to. I would think that would be an awful lot of money to spend for no reason.

I can't even imagine traveling down Walker Road and having to pull off to let trucks by. The road is already dangerous as it doesn't have any shoulders and there's not any room for any. In fact, an infant was killed a few years ago because the mother tried to dodge a box in the road and her tire dropped off the pavement into a hole or washout that was covered up by weeds. She hit so hard that the dashboard caved into the infant's car seat. There is a very sharp "S" curve on Walker Road that has seen numerous accidents, as there is another road intersecting in that same spot. You have to be very careful to watch for oncoming traffic that a lot of times comes around the curve in your lane. Also, there are no ditches along most of Walker Road to catch the water that stands on the road and many of the homes along the road don't have any room for any widening or adding shoulders or ditches. We will definitely need the shoulders and the ditches!

I feel pretty confident in saying that this road and big trucks don't mix just, as drinking and driving don't. There will almost certainly be a tragic accident whether it will be all vehicle involved, or it will involve one of the school kids waiting on a bus.

Anyone who has lived here for a while will tell you how much the area has grown since the 1997 study that was done by Metropex Industries. Also, I'm sure that their studies on traffic on Walker Road had to be done during a time when there were neither school buses nor work traffic traveling on it.

I'd like to say that some of us have been told that we are spinning our wheels because the permit for this landfill has already been granted. I asked a TCEQ employee a question about TCEQ's permitting process and was told to ask Metroplex Industries if I had any questions. I let it go, but I don't understand why the engineering firm should answer my question about TCEQ's guidelines. I certainly wouldn't ask my opponent to teach me how to play a game! That made me wonder if there is some truth in what I've heard.

I would like to request another public meeting and this time I would hope that the owner's would be there to address the community that it plans on infringing on and not give the appearance of being unconcerned with the affects this landfill will have on our lives.

I believe there **needs** to be another public meeting and would hope that TCEQ takes a good long look at "Protecting Texas by Reducing and Preventing Pollution" because this landfill will certainly create pollution and it stands to harm the many families, livestock and wildlife that share this area.

If the rumors are only that, just rumors, and this landfill has not yet been permitted, then I thank TCEQ for giving the people of this area the opportunity to voice our concerns and I would ask that you please give these matters I've mentioned careful consideration.

Sincerely,

Linda Standley

Linda Standley

CC: Ms. Kathleen Hartnett White, Chairman
Mr. R.B. "Ralph" Marquez, Commissioner
Mr. Larry R. Soward, Commissioner
Ms. Margaret Hoffman, Executive Director
Mr. Richard Carmichael, Permits Division
Ms. Sharon Smith, Environmental Law Division
Ms. Jodena N. Henneke, Director, Office of Pub. Assist.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for

May-28-04 13:59

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
544	5/28 13:58....	1'31"	5122393311	Send.....	4/ 4	144	Completed.....

Total 1'31" Pages Sent: 4 Pages Printed: 0

May 18, 2004

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

Linda Standley
6342 Greenwood Dr.
Cleveland, TX 77328-9405

N. HOUSTON PM 1 JUN 2004 77

GREETINGS FROM Far Far Away

USA

RECEIVED
JUN 03 2004
TCEQ

MC 100

Ms. Kathleen Hartnett White, Chairman
Texas Commisison on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

78711+3087

May 18, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

FAXED 5/28/04

PM

2004 JUN -4 PM 3:53

CHIEF CLERKS OFFICE

OPA

JUN 04 2004

BY

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

These gentlemen told us that Montgomery County needed a construction landfill because of all of the construction going on in the county and that the trucks hauling debris were having to drive too far.

When asked again "why this area" and why not closer to where they say the construction is heavier to save gas and time, their reply was because the land was cheaper here. They said it would cost too much to buy land in the areas of heavier construction.

Someone at the meeting offered Montgomery Landfill Solutions an equal amount of property, as an exchange, acre for acre, in another, much less populated area only a few miles down the road. Their reply was that the owners had invested too much money to consider moving the landfill elsewhere.

Are they not suppose to seek other, more suitable areas?

All of the timber that has been cut in this area for both construction and profit has created additional flooding problems for many of us. I was told when we bought our property twenty years ago that we needed to go west of town because it rains here all the time. Sometimes I really believe that because we certainly have our share of torrential downpours. This area is so full of creeks and gullies and tributaries that they fill up in no time and cause flooding. In the last year or so, we've noticed that with each heavy rain there seems to be new places where water crosses and/or floods the roads.

All of this run-off water is only going to increase. I'm told by people who have lived here all of their lives and hunted on the proposed site that it holds water. When this huge mound of dirt (or debris) creates such a waterfall, as it will, we are going to be in big trouble! What will happen when the holding tanks or retainage ponds are full to capacity and the rain doesn't stop? Many people in this area depend on their gardens to cut down on food costs. Who is going to be responsible when this run-off storm water contaminates their wells and their supplemental food supply.

Also, what about the livestock? This area is heavily populated with cattle, goats and hogs and many are slaughtered for food as well as deer, rabbits and squirrels. Won't contaminated run-off water affect them and eventually us when they are consumed? It's my understanding that this proposed landfill site sits between two major aquifers. Doesn't that increase the risk of contaminated drinking water?

When asked why Montgomery County had to be the "dumping" ground for the other counties listed on their permit, Mr. Crews' reply was that it wasn't for any county but Montgomery. When he was reminded of the five (5) counties that were listed as the "service area" on the permit application, his answer was that that is only a formality. So then, if that's the case, does that mean that Montgomery County alone will generate 3,000 tons per day of construction debris? Will Montgomery County alone be responsible for the mass volume of truck traffic that this will create for Walker Road and the already overcrowded Hwy. 105?

If that is the case, then I would think that this application for permit should be looked at very carefully. I've heard on the news and read in the paper that Montgomery County is one of the fastest growing counties in the state. If we are creating that much waste because of such an increase in population, then that would only increase the risks to the number of people that could be harmed!

Mr. Crews also said that this landfill was needed because of all of the illegal dumping in the county. First of all, I believe the people who dump illegally, will continue to do so. I think their habits are not for lack of facility but rather lack of money for the landfill fees or they just don't care. Do my family and neighbors need to suffer the ill effects of a landfill because of the misconduct of a few?

Mr. Crews denied that the owners would try to upgrade this landfill but he did mention that they were going to put in the methane pipes even though that they were not required to. I would think that would be an awful lot of money to spend for no reason.

I can't even imagine traveling down Walker Road and having to pull off to let trucks by. The road is already dangerous as it doesn't have any shoulders and there's not any room for any. In fact, an infant was killed a few years ago because the mother tried to dodge a box in the road and her tire dropped off the pavement into a hole or washout that was covered up by weeds. She hit so hard that the dashboard caved into the infant's car seat. There is a very sharp "S" curve on Walker Road that has seen numerous accidents, as there is another road intersecting in that same spot. You have to be very careful to watch for oncoming traffic that a lot of times comes around the curve in your lane. Also, there are no ditches along most of Walker Road to catch the water that stands on the road and many of the homes along the road don't have any room for any widening or adding shoulders or ditches. We will definitely need the shoulders and the ditches!

I feel pretty confident in saying that this road and big trucks don't mix just, as drinking and driving don't. There will almost certainly be a tragic accident whether it will be all vehicle involved, or it will involve one of the school kids waiting on a bus.

Anyone who has lived here for a while will tell you how much the area has grown since the 1997 study that was done by Metropex Industries. Also, I'm sure that their studies on traffic on Walker Road had to be done during a time when there were neither school buses nor work traffic traveling on it.

I'd like to say that some of us have been told that we are spinning our wheels because the permit for this landfill has already been granted. I asked a TCEQ employee a question about TCEQ's permitting process and was told to ask Metroplex Industries if I had any questions. I let it go, but I don't understand why the engineering firm should answer my question about TCEQ's guidelines. I certainly wouldn't ask my opponent to teach me how to play a game! That made me wonder if there is some truth in what I've heard.

I would like to request another public meeting and this time I would hope that the owner's would be there to address the community that it plans on infringing on and not give the appearance of being unconcerned with the affects this landfill will have on our lives.

I believe there **needs** to be another public meeting and would hope that TCEQ takes a good long look at "Protecting Texas by Reducing and Preventing Pollution" because this landfill will certainly create pollution and it stands to harm the many families, livestock and wildlife that share this area.

If the rumors are only that, just rumors, and this landfill has not yet been permitted, then I thank TCEQ for giving the people of this area the opportunity to voice our concerns and I would ask that you please give these matters I've mentioned careful consideration.

Sincerely,

Linda Standley

Linda Standley

CC: Ms. Kathleen Hartnett White, Chairman
Mr. R.B. "Ralph" Marquez, Commissioner
Mr. Larry R. Soward, Commissioner
Ms. Margaret Hoffman, Executive Director
Mr. Richard Carmichael, Permits Division
Ms. Sharon Smith, Environmental Law Division
Ms. Jodena N. Henneke, Director, Office of Pub. Assist.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

ND CONFIRMATION REPORT for

May-28-04 13:59

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
544	5/28 13:58....	1'31"	5122393311	Send.....	4/ 4	144	Completed.....

Total 1'31" Pages Sent: 4 Pages Printed: 0

May 28, 2004

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

Linda Standley
6342 Greenwood Dr.
Cleveland, TX 77328-9405

PM
1 JUN
2004

USA

Mr. Larry R. Soward, Commissioner
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
JUN 03 2004

78711-3087

37868 msw

24492 CCO PM

FAXED 5/28/04

May 18, 2004

TEXA COMMIS ON ENVIRON QUALI

2004 JUN -4 32

RECEIVED
JUN 03 2004
EXECUTIVE DIRECTOR

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (CHIEF CLERKS OFFICE)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

OPA
JUN 04 2004
BY D

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

Standley, Linda

These gentlemen told us that Montgomery County needed a construction landfill because of all of the construction going on in the county and that the trucks hauling debris were having to drive too far.

When asked again "why this area" and why not closer to where they say the construction is heavier to save gas and time, their reply was because the land was cheaper here. They said it would cost too much to buy land in the areas of heavier construction.

Someone at the meeting offered Montgomery Landfill Solutions an equal amount of property, as an exchange, acre for acre, in another, much less populated area only a few miles down the road. Their reply was that the owners had invested too much money to consider moving the landfill elsewhere.

Are they not suppose to seek other, more suitable areas?

All of the timber that has been cut in this area for both construction and profit has created additional flooding problems for many of us. I was told when we bought our property twenty years ago that we needed to go west of town because it rains here all the time. Sometimes I really believe that because we certainly have our share of torrential downpours. This area is so full of creeks and gullies and tributaries that they fill up in no time and cause flooding. In the last year or so, we've noticed that with each heavy rain there seems to be new places where water crosses and/or floods the roads.

All of this run-off water is only going to increase. I'm told by people who have lived here all of their lives and hunted on the proposed site that it holds water. When this huge mound of dirt (or debris) creates such a waterfall, as it will, we are going to be in big trouble! What will happen when the holding tanks or retainage ponds are full to capacity and the rain doesn't stop? Many people in this area depend on their gardens to cut down on food costs. Who is going to be responsible when this run-off storm water contaminates their wells and their supplemental food supply.

Also, what about the livestock? This area is heavily populated with cattle, goats and hogs and many are slaughtered for food as well as deer, rabbits and squirrels. Won't contaminated run-off water affect them and eventually us when they are consumed? It's my understanding that this proposed landfill site sits between two major aquifers. Doesn't that increase the risk of contaminated drinking water?

When asked why Montgomery County had to be the "dumping" ground for the other counties listed on their permit, Mr. Crews' reply was that it wasn't for any county but Montgomery. When he was reminded of the five (5) counties that were listed as the "service area" on the permit application, his answer was that that is only a formality. So then, if that's the case, does that mean that Montgomery County alone will generate 3,000 tons per day of construction debris? Will Montgomery County alone be responsible for the mass volume of truck traffic that this will create for Walker Road and the already overcrowded Hwy. 105?

If that is the case, then I would think that this application for permit should be looked at very carefully. I've heard on the news and read in the paper that Montgomery County is one of the fastest growing counties in the state. If we are creating that much waste because of such an increase in population, then that would only increase the risks to the number of people that could be harmed!

Mr. Crews also said that this landfill was needed because of all of the illegal dumping in the county. First of all, I believe the people who dump illegally, will continue to do so. I think their habits are not for lack of facility but rather lack of money for the landfill fees or they just don't care. Do my family and neighbors need to suffer the ill effects of a landfill because of the misconduct of a few?

Mr. Crews denied that the owners would try to upgrade this landfill but he did mention that they were going to put in the methane pipes even though that they were not required to. I would think that would be an awful lot of money to spend for no reason.

I can't even imagine traveling down Walker Road and having to pull off to let trucks by. The road is already dangerous as it doesn't have any shoulders and there's not any room for any. In fact, an infant was killed a few years ago because the mother tried to dodge a box in the road and her tire dropped off the pavement into a hole or washout that was covered up by weeds. She hit so hard that the dashboard caved into the infant's car seat. There is a very sharp "S" curve on Walker Road that has seen numerous accidents, as there is another road intersecting in that same spot. You have to be very careful to watch for oncoming traffic that a lot of times comes around the curve in your lane. Also, there are no ditches along most of Walker Road to catch the water that stands on the road and many of the homes along the road don't have any room for any widening or adding shoulders or ditches. We will definitely need the shoulders and the ditches!

I feel pretty confident in saying that this road and big trucks don't mix just, as drinking and driving don't. There will almost certainly be a tragic accident whether it will be all vehicle involved, or it will involve one of the school kids waiting on a bus.

Anyone who has lived here for a while will tell you how much the area has grown since the 1997 study that was done by Metropex Industries. Also, I'm sure that their studies on traffic on Walker Road had to be done during a time when there were neither school buses nor work traffic traveling on it.

I'd like to say that some of us have been told that we are spinning our wheels because the permit for this landfill has already been granted. I asked a TCEQ employee a question about TCEQ's permitting process and was told to ask Metroplex Industries if I had any questions. I let it go, but I don't understand why the engineering firm should answer my question about TCEQ's guidelines. I certainly wouldn't ask my opponent to teach me how to play a game! That made me wonder if there is some truth in what I've heard.

I would like to request another public meeting and this time I would hope that the owner's would be there to address the community that it plans on infringing on and not give the appearance of being unconcerned with the affects this landfill will have on our lives.

I believe there **needs** to be another public meeting and would hope that TCEQ takes a good long look at "Protecting Texas by Reducing and Preventing Pollution" because this landfill will certainly create pollution and it stands to harm the many families, livestock and wildlife that share this area.

If the rumors are only that, just rumors, and this landfill has not yet been permitted, then I thank TCEQ for giving the people of this area the opportunity to voice our concerns and I would ask that you please give these matters I've mentioned careful consideration.

Sincerely,

Linda Standley

Linda Standley

CC: Ms. Kathleen Hartnett White, Chairman
Mr. R.B. "Ralph" Marquez, Commissioner
Mr. Larry R. Soward, Commissioner
Ms. Margaret Hoffman, Executive Director
Mr. Richard Carmichael, Permits Division
Ms. Sharon Smith, Environmental Law Division
Ms. Jodena N. Henneke, Director, Office of Pub. Assist.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for

May-28-04 13:59

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
544	5/28 13:58....	1'31"	5122393311	Send.....	4/ 4	144	Completed.....

Total 1'31" Pages Sent: 4 Pages Printed: 0

May 18, 2004

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

Linda Standley
6342 Greenwood Dr.
Cleveland, TX 77328-9405

N. HOUSTON TX 773
PM
1 JUN
200

GREETINGS
FROM
Far Far Away

RECEIVED
JUN 0 3 2004
TCEQ

MC109

Ms. Margaret Hoffman, Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

78711+3087

PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

FAXED 5/28/04

2004 JUN -3 AM 9:33

CHIEF CLERKS OFFICE

May 18, 2004

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

OPA
JUN 03 2004
BY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

Standley Lindh

These gentlemen told us that Montgomery County needed a construction landfill because of all of the construction going on in the county and that the trucks hauling debris were having to drive too far.

When asked again "why this area" and why not closer to where they say the construction is heavier to save gas and time, their reply was because the land was cheaper here. They said it would cost too much to buy land in the areas of heavier construction.

Someone at the meeting offered Montgomery Landfill Solutions an equal amount of property, as an exchange, acre for acre, in another, much less populated area only a few miles down the road. Their reply was that the owners had invested too much money to consider moving the landfill elsewhere.

Are they not suppose to seek other, more suitable areas?

All of the timber that has been cut in this area for both construction and profit has created additional flooding problems for many of us. I was told when we bought our property twenty years ago that we needed to go west of town because it rains here all the time. Sometimes I really believe that because we certainly have our share of torrential downpours. This area is so full of creeks and gullies and tributaries that they fill up in no time and cause flooding. In the last year or so, we've noticed that with each heavy rain there seems to be new places where water crosses and/or floods the roads.

All of this run-off water is only going to increase. I'm told by people who have lived here all of their lives and hunted on the proposed site that it holds water. When this huge mound of dirt (or debris) creates such a waterfall, as it will, we are going to be in big trouble! What will happen when the holding tanks or retainage ponds are full to capacity and the rain doesn't stop? Many people in this area depend on their gardens to cut down on food costs. Who is going to be responsible when this run-off storm water contaminates their wells and their supplemental food supply.

Also, what about the livestock? This area is heavily populated with cattle, goats and hogs and many are slaughtered for food as well as deer, rabbits and squirrels. Won't contaminated run-off water affect them and eventually us when they are consumed? It's my understanding that this proposed landfill site sits between two major aquifers. Doesn't that increase the risk of contaminated drinking water?

When asked why Montgomery County had to be the "dumping" ground for the other counties listed on their permit, Mr. Crews' reply was that it wasn't for any county but Montgomery. When he was reminded of the five (5) counties that were listed as the "service area" on the permit application, his answer was that that is only a formality. So then, if that's the case, does that mean that Montgomery County alone will generate 3,000 tons per day of construction debris? Will Montgomery County alone be responsible for the mass volume of truck traffic that this will create for Walker Road and the already overcrowded Hwy. 105?

If that is the case, then I would think that this application for permit should be looked at very carefully. I've heard on the news and read in the paper that Montgomery County is one of the fastest growing counties in the state. If we are creating that much waste because of such an increase in population, then that would only increase the risks to the number of people that could be harmed!

Mr. Crews also said that this landfill was needed because of all of the illegal dumping in the county. First of all, I believe the people who dump illegally, will continue to do so. I think their habits are not for lack of facility but rather lack of money for the landfill fees or they just don't care. Do my family and neighbors need to suffer the ill effects of a landfill because of the misconduct of a few?

Mr. Crews denied that the owners would try to upgrade this landfill but he did mention that they were going to put in the methane pipes even though that they were not required to. I would think that would be an awful lot of money to spend for no reason.

I can't even imagine traveling down Walker Road and having to pull off to let trucks by. The road is already dangerous as it doesn't have any shoulders and there's not any room for any. In fact, an infant was killed a few years ago because the mother tried to dodge a box in the road and her tire dropped off the pavement into a hole or washout that was covered up by weeds. She hit so hard that the dashboard caved into the infant's car seat. There is a very sharp "S" curve on Walker Road that has seen numerous accidents, as there is another road intersecting in that same spot. You have to be very careful to watch for oncoming traffic that a lot of times comes around the curve in your lane. Also, there are no ditches along most of Walker Road to catch the water that stands on the road and many of the homes along the road don't have any room for any widening or adding shoulders or ditches. We will definitely need the shoulders and the ditches!

I feel pretty confident in saying that this road and big trucks don't mix just, as drinking and driving don't. There will almost certainly be a tragic accident whether it will be all vehicle involved, or it will involve one of the school kids waiting on a bus.

Anyone who has lived here for a while will tell you how much the area has grown since the 1997 study that was done by Metropex Industries. Also, I'm sure that their studies on traffic on Walker Road had to be done during a time when there were neither school buses nor work traffic traveling on it.

I'd like to say that some of us have been told that we are spinning our wheels because the permit for this landfill has already been granted. I asked a TCEQ employee a question about TCEQ's permitting process and was told to ask Metroplex Industries if I had any questions. I let it go, but I don't understand why the engineering firm should answer my question about TCEQ's guidelines. I certainly wouldn't ask my opponent to teach me how to play a game! That made me wonder if there is some truth in what I've heard.

I would like to request another public meeting and this time I would hope that the owner's would be there to address the community that it plans on infringing on and not give the appearance of being unconcerned with the affects this landfill will have on our lives.

I believe there **needs** to be another public meeting and would hope that TCEQ takes a good long look at "Protecting Texas by Reducing and Preventing Pollution" because this landfill will certainly create pollution and it stands to harm the many families, livestock and wildlife that share this area.

If the rumors are only that, just rumors, and this landfill has not yet been permitted, then I thank TCEQ for giving the people of this area the opportunity to voice our concerns and I would ask that you please give these matters I've mentioned careful consideration.

Sincerely,

Linda Standley

Linda Standley

CC: Ms. Kathleen Hartnett White, Chairman
Mr. R.B. "Ralph" Marquez, Commissioner
Mr. Larry R. Soward, Commissioner
Ms. Margaret Hoffman, Executive Director
Mr. Richard Carmichael, Permits Division
Ms. Sharon Smith, Environmental Law Division
Ms. Jodena N. Henneke, Director, Office of Pub. Assist.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

ID CONFIRMATION REPORT for

May-28-04 13:59

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
544	5/28 13:58....	1'31"	5122393311	Send.....	4/ 4	144	Completed.....

Total 1'31" Pages Sent: 4 Pages Printed: 0

May 28, 2004

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

Linda Standley
6342 Greenwood Dr.
Cleveland, TX 77328-9405

N. HOUSTO TX 773
PM
1 JUN
2004

GREETINGS
FROM
Far Far Away

USA

Ms. LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
JUN 03 2004
TCEQ

78711+3087

PM

May 18, 2004

OPA

JUN 01 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 2:30
CHIEF CLERKS OFFICE

TO: LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Dear Ms. Castanuela,

I am writing to you about concerns I have with the above proposed permit.

PLEASE DON'T STOP HERE. PLEASE CONTINUE TO READ. THANK YOU!

First of all, I attended the public meeting held in our area. I was under the impression that someone (the owners) of Montgomery Landfill Solutions (MLS) would be there to explain their plans and answer our questions. They did not. Instead, they sent their attorney, David Crews and their engineer, Gary Horwitch, to meet with the concerned citizens of our area. It may be common practice for landfill owners to fail to appear at their required public meetings, however, I would think that if you sent someone in to represent you that you would at least send someone in that was knowledgeable and able to answer questions on your behalf.

These gentlemen appeared to be unprepared. I'm sure they are competent in their fields, but they did not seem to have the answers to some of the legitimate questions that were raised and they also seemed to be confused about some of the issues. Maybe they didn't expect to be confronted by such a large number of concerned citizens. (Just for the record, there were many people from our area that were not able to come because of school functions that they had to attend with their children.)

The first thing Mr. Crews told us when he addressed the citizens of our area was that there were no public officials involved with Montgomery Landfill Solutions. I don't know why he felt it necessary to make that statement but then he later told the group that he didn't know who the Montgomery Landfill investors were and that he only deals with their general partner. (Also, where was he?)

These representatives of MLS were asked why the owners of the landfill felt there was a need for another landfill within one mile of the Security Landfill which is still in operation and according to Waste Management, they are able to intake everything that Montgomery Landfill proposes to take in.

These gentlemen told us that Montgomery County needed a construction landfill because of all of the construction going on in the county and that the trucks hauling debris were having to drive too far.

When asked again "why this area" and why not closer to where they say the construction is heavier to save gas and time, their reply was because the land was cheaper here. They said it would cost too much to buy land in the areas of heavier construction.

Someone at the meeting offered Montgomery Landfill Solutions an equal amount of property, as an exchange, acre for acre, in another, much less populated area only a few miles down the road. Their reply was that the owners had invested too much money to consider moving the landfill elsewhere.

Are they not suppose to seek other, more suitable areas?

All of the timber that has been cut in this area for both construction and profit has created additional flooding problems for many of us. I was told when we bought our property twenty years ago that we needed to go west of town because it rains here all the time. Sometimes I really believe that because we certainly have our share of torrential downpours. This area is so full of creeks and gullies and tributaries that they fill up in no time and cause flooding. In the last year or so, we've noticed that with each heavy rain there seems to be new places where water crosses and/or floods the roads.

All of this run-off water is only going to increase. I'm told by people who have lived here all of their lives and hunted on the proposed site that it holds water. When this huge mound of dirt (or debris) creates such a waterfall, as it will, we are going to be in big trouble! What will happen when the holding tanks or retainage ponds are full to capacity and the rain doesn't stop? Many people in this area depend on their gardens to cut down on food costs. Who is going to be responsible when this run-off storm water contaminates their wells and their supplemental food supply.

Also, what about the livestock? This area is heavily populated with cattle, goats and hogs and many are slaughtered for food as well as deer, rabbits and squirrels. Won't contaminated run-off water affect them and eventually us when they are consumed? It's my understanding that this proposed landfill site sits between two major aquifers. Doesn't that increase the risk of contaminated drinking water?

When asked why Montgomery County had to be the "dumping" ground for the other counties listed on their permit, Mr. Crews' reply was that it wasn't for any county but Montgomery. When he was reminded of the five (5) counties that were listed as the "service area" on the permit application, his answer was that that is only a formality. So then, if that's the case, does that mean that Montgomery County alone will generate 3,000 tons per day of construction debris? Will Montgomery County alone be responsible for the mass volume of truck traffic that this will create for Walker Road and the already overcrowded Hwy. 105?

If that is the case, then I would think that this application for permit should be looked at very carefully. I've heard on the news and read in the paper that Montgomery County is one of the fastest growing counties in the state. If we are creating that much waste because of such an increase in population, then that would only increase the risks to the number of people that could be harmed!

Mr. Crews also said that this landfill was needed because of all of the illegal dumping in the county. First of all, I believe the people who dump illegally, will continue to do so. I think their habits are not for lack of facility but rather lack of money for the landfill fees or they just don't care. Do my family and neighbors need to suffer the ill effects of a landfill because of the misconduct of a few?

Mr. Crews denied that the owners would try to upgrade this landfill but he did mention that they were going to put in the methane pipes even though that they were not required to. I would think that would be an awful lot of money to spend for no reason.

I can't even imagine traveling down Walker Road and having to pull off to let trucks by. The road is already dangerous as it doesn't have any shoulders and there's not any room for any. In fact, an infant was killed a few years ago because the mother tried to dodge a box in the road and her tire dropped off the pavement into a hole or washout that was covered up by weeds. She hit so hard that the dashboard caved into the infant's car seat. There is a very sharp "S" curve on Walker Road that has seen numerous accidents, as there is another road intersecting in that same spot. You have to be very careful to watch for oncoming traffic that a lot of times comes around the curve in your lane. Also, there are no ditches along most of Walker Road to catch the water that stands on the road and many of the homes along the road don't have any room for any widening or adding shoulders or ditches. We will definitely need the shoulders and the ditches!

I feel pretty confident in saying that this road and big trucks don't mix just, as drinking and driving don't. There will almost certainly be a tragic accident whether it will be all vehicle involved, or it will involve one of the school kids waiting on a bus.

Anyone who has lived here for a while will tell you how much the area has grown since the 1997 study that was done by Metropex Industries. Also, I'm sure that their studies on traffic on Walker Road had to be done during a time when there were neither school buses nor work traffic traveling on it.

I'd like to say that some of us have been told that we are spinning our wheels because the permit for this landfill has already been granted. I asked a TCEQ employee a question about TCEQ's permitting process and was told to ask Metroplex Industries if I had any questions. I let it go, but I don't understand why the engineering firm should answer my question about TCEQ's guidelines. I certainly wouldn't ask my opponent to teach me how to play a game! That made me wonder if there is some truth in what I've heard

I would like to request another public meeting and this time I would hope that the owner's would be there to address the community that it plans on infringing on and not give the appearance of being unconcerned with the affects this landfill will have on our lives.

I believe there **needs** to be another public meeting and would hope that TCEQ takes a good long look at "Protecting Texas by Reducing and Preventing Pollution" because this landfill will certainly create pollution and it stands to harm the many families, livestock and wildlife that share this area.

If the rumors are only that, just rumors, and this landfill has not yet been permitted, then I thank TCEQ for giving the people of this area the opportunity to voice our concerns and I would ask that you please give these matters I've mentioned careful consideration.

Sincerely,

Linda Standley

Linda Standley

CC: Ms. Kathleen Hartnett White, Chairman
Mr. R.B. "Ralph" Marquez, Commissioner
Mr. Larry R. Soward, Commissioner
Ms. Margaret Hoffman, Executive Director
Mr. Richard Carmichael, Permits Division
Ms. Sharon Smith, Environmental Law Division
Ms. Jodena N. Henneke, Director, Office of Pub. Assist.

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 29 PM 2:32
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Linda J. Standley
Signature

OPA
APR 30 2004
BY

LINDA J. Standley
Printed Name and Address
6342 Greenwood
Cleveland, TX 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW 37868

OPA

PM FEB 01 2008

BY GB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 FEB -1 AM 9:59

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Ricky Standley
Address- 6342 Greenwood, Cleveland, TX
Phone- 281-592-2146

Distance from proposed site- 1/2 mile

Negative impact to my health, safety and property will be - ① Airborne contaminates - hydrogen sulfide ② Traffic from trucks

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Linda Standley
6342 Greenwood Dr.
Cleveland, TX 77328-9405

N HOUSTON TX 773
30 JAN 2008 PM 3 L

USA FIRST-CLASS FOREVER

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
FEB 01 2008
TCEQ MAIL CENTER
RB

78711+3087

Date: 4-23-04

PM OPA
MAY 27 2004
BY

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Ricky Standley
Printed Name and Address

6342 Greenwood Dr.

Cleveland, Tx 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

NSH.
37868

March 12, 2009

OPA

H

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 17 AM 10:06
CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

RE: MONTGOMERY LANDFILL SOLUTIONS, LP; MSW PERMIT NO. 2324

Dear Ms. Castanuela:

I received the Decision of the Executive Director concerning the above referenced permit application and am **requesting a contested case hearing**. I live 6/10 mile from the proposed landfill site and will be negatively affected should this permit be approved.

If TCEQ rules state that "a primary concern is that the use of land for an MSW site not adversely impact human health or the environment" then this permit should be denied.

The proposed landfill will affect my family's health through air pollution and possible contamination of our water well, our only source of potable water. It is unacceptable to depend on a MSW monitoring system to detect possible contamination and if there is contamination, wait for reviews and results. Too little, too late. The landfill site currently captures potential flood waters in the 20 plus isolated wetlands. The elimination of these wetlands, the trees to construct the landfill will be like water going over a dam only it will flow on the surrounding properties. MLS cannot construct enough berms to stop the flow of the waters from the north, east and west through the landfill site. Those residents, down-hill, South toward SH105, will be underwater in a very short time along with all the contaminates. Ponding is common on most properties surrounding the landfill. These ponds will also be prone to contamination.

The air pollution this C&D landfill will emit could contaminate my vegetable garden, pond and property. As a construction project foreman, I know the contaminates in C&D waste and how unknown contaminates end up undetected in some roll-offs at big construction sites. Living 6/10 of a mile is not far enough to avoid the adverse affects of this proposed landfill.

The location of this landfill is a serious danger to all of our health and safety. There is too much uncertainty and "if's" involved with the safe construction and operation of this landfill at the proposed site.

Sincerely,

David L. Stegenga
6541 Hidden Acres Dr.
Cleveland, TX 77328
281-432-1866
281-432-1778 - fax

MW

S Mr. David Stegenga
6541 Hidden Acres Dr
Cleveland, TX 77328

HOUSTON TX 772
14 MAR 2009 PM 5 T

42 USA

RECEIVED
MAR 17 2009
TCEQ MAIL CENTER
MM

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 17 AM 10: 06

CHIEF CLERKS OFFICE

78711-3087

24824 CCO

37868 MSW

RECEIVED
SEP 07 2004
EXECUTIVE DIRECTOR

August 29, 2004

Margaret Hoffman, Executive Director
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM OPA
SEP 13 2004
BY

RE: Montgomery Landfill Solutions, LP, Permit No. 2324

2004 SEP 10 PM 3:02
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Ms. Hoffman:

My wife participated at the TCEQ Public Meeting on August 9, 2004 at the Conroe Tower in Conroe, Texas and was able to speak as she is the Co-Chairperson and Legal Liaison of Citizens Against Montgomery Landfills, Inc. (CAML). However, I arrived at 7:25 and was told the meeting room was full but I could wait with the other 200 people to see if someone came down from the meeting and take their place. There were about 75 people ahead of me, so I left and prayed for my wife and the other CAML representatives in the meeting room to get the message across to Stop This Landfill.

One thing I wanted to mention and I don't know if it was addressed in the meeting is about the requirement under 30 Tex. Admin. Code, Sec. 330.55(b)(1) that requires an applicant to adequately show that the proposed landfill will not cause a discharge of solid wastes or pollutants adjacent to or into the water of the state in violation of Tex. Water Code, Sec. 26.121. As part of this, 30 Tex. Adm. Code, Sec. 330.55(b)(7) provides that a site "shall be protected from flooding by suitable levees constructed to provide protection from a 100-year-frequency-flood. Such levees shall not significantly restrict the flow of the 100 year-frequency flood nor significantly reduce the temporary water storage capacity of the 100-year floodplain." I cannot locate in the permit sufficient information describing how the applicant plans on keeping the creeks and tributaries and natural water ways from flowing onto the landfill site and flowing off the landfill site. The new footprint has decreased the quantity and size of the sedimentation ponds disproportionately with the reduction in the size of the footprint. On the North side of the footprint, MLS has reduced the sedimentation pond from 2700 ft. to 1200 ft. However, this part of the property will still be receiving the same amount of on-site water flow from the North, North East and North West creeks and tributaries. How will the Applicant protect the immediate residents (north, south, east and west) and the affected residents in the path of Lawrence Creek and West Fork Spring Branch Creek, south, southeast and southwest of the proposed landfill site. I want to know what they plan on "discharging" into Lawrence Creek that they show in their application as a discharge site.

I contend that the Applicant has not provided professional engineering studies to properly identify the 100-year flood level, identify other flooding concerns, nor have they proposed any flood protection plan. The proposed site of this landfill has not been reviewed by FEMA since 1978. In 1996, a new FEMA map was published, however, the only changes in this update were changes to South Montgomery County due to the heavy flooding problems that occurred in 1994. The developers of South County requested and paid for that update.

Lastly, I am concerned about the Competency of the Applicant and his Engineer. According to the Permit, Part I, Legal Authority, Mr. Imre J. Szekelyhidi, Jr. is Manager of Montgomery Landfill Solutions, LP (MLS) and is the only individual with over 20 percent ownership of MLS. The general partner for MLS is Montgomery Landfill Management, LLC (MLM). Mr. Szekelyhidi is the sole owner of MLM. MLM is NOT in Good Standing with the Secretary of State. Mr. Szekelyhidi is also President, Director and Registered Agent of Landfill Marketing Consultants, Inc. This company is NOT in Good Standing with the Secretary of State. Mr.

Stegenga, David

D.S.

Szekelyhidi is also Manager of Landfill Development Consultants, LLC. This company is NOT in Good Standing with the Secretary of State. Mr. Szekelyhidi was Director of Landfill Operations for Parks Management Groups, Inc. This company is NOT in Good Standing with the Secretary of State.

Mr. Szekelyhidi stated in his application that MLS has not owned or operated any MSW sites within the last 10 years. I think this would immediately raise a question as to the Applicant's competency to own and operate such a potentially dangerous business. He claims to have permitted a landfill in Texas and Alabama and has a Texas Class 1 non-hazardous industrial application pending with the TCEQ under Landfill Marketing Consultants. Where is the information on these two permitted landfills and what is the status of his application for a Class 1 non-hazardous industrial application?

I believe it is TCEQ's responsibility to assure that an Applicant has financial means to construct a landfill. So far, all that is required is before construction starts a bond or trust account must be established to guarantee closure costs.

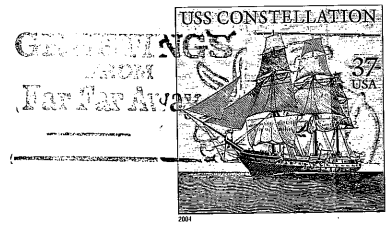
Thank you for your consideration in this matter. I would like to request another TCEQ Public Meeting so others like myself might be able to speak. I am also requesting a contested case hearing.

Sincerely,

David L. Stegenga
6541 Hidden Acres Dr.
Cleveland, TX 77328

David L. Stegenga
6541 Hidden Acres Dr.
Cleveland, TX 77328

HOUSTON TX 770
PM
4 SEP
2004



Margaret Hoffman, Executive Director
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
SEP 07 2004
TCEQ

78711X3087 B09A

MSW
378C8

March 12, 2009

OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 16 PM 3:06

CHIEF CLERKS OFFICE

BY EB

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

RE: MONTGOMERY LANDFILL SOLUTIONS, LP; MSW PERMIT NO. 2324

Dear Ms. Castanuela:

I received the Decision of the Executive Director concerning the above referenced permit application and am **requesting a contested case hearing**. I live 6/10 mile from the proposed landfill site and will be negatively affected should this permit be approved.

I disagree with the Executive Director's responses to several comments. If TCEQ rules state that "a primary concern is that the use of land for an MSW site not adversely impact human health or the environment" then this permit should be denied.

Although HB1053 was passed after the effective date of the original Application, the 2/3rd approval vote in both houses of the Texas Legislature made it clear that they did not support the location of this proposed landfill as well as the continued objection by our local authorities. This is the voice of "the people" and should not be dismissed. Additionally, HGAC did not approve the location of the proposed landfill but basically "passed". HGAC, through their studies indicated "a" Type IV landfill was needed in Montgomery County but did not approve this proposed site.

The traffic data submitted by the Applicant is dated 10/19/2006. Response 16 states "Had TXDOT requested that such widening take place during the Applicant's coordination with the Agency, TCEQ would have included that requirement in the draft permit." Since SH 105 was not the intended entrance during the draft permit and MLS has amended their application to use SH105, shouldn't TXDOT be notified for an evaluation, using the projected number of vehicles that will be entering the site and the impact on the safe usage of SH 105 at this location?

In Response 19, TCEQ did not address concerns of toxic materials found in Construction Debris (asbestos, lead based paint, arsenic, etc.). Furthermore, in Response 27, TCEQ pledges "If groundwater contamination is determined to have occurred……." it "may" order corrective action", which is totally unacceptable. By the time contamination is detected and affected residents are notified and TCEQ review an assessment report, it is too late to reverse the damage done to the health and safety of innocent citizens. We totally depend on our water well for our potable water supply.

As an individual with severe allergy problems, the air pollution this C&D landfill will emit will force me to stay indoors instead of my right to quiet enjoyment of my property.

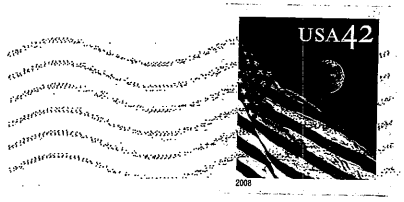
The location of this landfill is playing Russian Roulette with the citizens' health and safety. There is too much uncertainty and "if's" involved with the safe construction and operation of this landfill at the proposed site.

Sincerely,

Linda K. Stegenga
6541 Hidden Acres Dr.
Cleveland, TX 77328
281-432-1866
281-432-1778 - fax

Mrs. Linda Stegenga
6541 Hidden Acres Dr.
Cleveland, TX 77328

HOUSTON TX 772
14 MAR 2009 PM 3 T



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 MAR 16 PM 3:05
CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
MAR 16 2009
TCEQ MAIL CENTER
RB

78711-3087

December 10, 2007

PM OPA HR

DEC 13 2007

BY PM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 13 AM 10: 03

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC105
P.O. Box 13087
Austin, TX 78711-3087

MSW 37868

RE: MONTGOMERY LANDFILL SOLUTIONS (MLS) AMENDED PERMIT APPLICATIIN MSW #2324

Dear Ms. Castuanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision dated 11/13/2007. These comments are in opposition to the amended Application by MLS for the proposed type IV landfill facility based on the following:

1) The Applicant, MLS, has not provided a "safe" entrance to their landfill site. MLS has not complied with the requirements in this amended permit with the requirements in the NOD concerning construction of the road. The "proposed" roadway width is narrower and the course thickness is thinner than the standards set by TCEQ.

MLS is proposing to add 400-600 vehicles per day, containing construction and debris material, utilizing the only residential road that services the Midway community. They have failed to update their traffic studies to accurately reflect the increase in traffic due to the growth in the area and the heavy use of SH 105 connecting I-59 and I-45.

MLS has not provided plans to prevent waste carrying vehicles from accessing the proposed landfill site from a newly developing subdivision directly North of the landfill site. These vehicles would travel South on North Walker road, a two lane, 30,000 weight limit, 21-23" wide residential road, and navigate through the dangerous "S" curve (which was cited in the NOD as unacceptable) to the landfill proposed entrance.

2) MLS has not adequately addressed a plan to prevent water run-off from the landfill site. The landfill site consists of forest, wetlands and gravel. By removing over 300 acres of forest, eliminating numerous wetlands, leaving gravel and a mountain of construction debris, the water flowing from the North during rain storms will either flow through or around the landfill site, saturating the adjoining residents; and, the two creeks (Lawrence and West Fork of Spring Branch), saturating the communities south, east and west. The forest and wetland natural barriers will no longer protect the communities from flooding.

3) With the probably of this uncontrollable run-off, the residents in the immediate area could face potential contamination of the acquifers, their water wells, agricultural watering ponds and surface. Inasmuch as the water from the two creeks mentioned above

mw

flow into Caney Creek, which in turn flows into Lake Houston (Houston's surface water source), these contaminated fluids could affect a large population of residents.

Additionally, water from rain and flooding flows through all the contaminants and collects at the bottom of the landfill where "leachate" is created. This collection is a disaster waiting to happen if released into the acquifer directly below the landfill; onto the surface waters (ditches, ponds, wetlands); or residential water wells.

MLS has failed to demonstrate: 1) a run-off management system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm; 2) that the natural drainage pattern will not be altered; or 3) how they will handle, store, treat and dispose of surface water that has been contaminated.

4) During the past 5 years since the original application, MLS has neglected to update their permit concerning the growth that has occurred in the surrounding area. A 280 acre tract, directly North of the proposed landfill site, was recently purchased (April, 2007) by a Montgomery County business for the development of a subdivision and is currently under construction. The 630 acre tract, directly West of the proposed landfill site, was recently purchased (November, 2006) by another Montgomery County business with similar intentions.

5) The 473 acre landfill property is heavily populated with wildlife, including migratory birds and contains numerous wetlands. MLS has failed to demonstrate that the construction of this landfill will NOT result in the destruction or irreparable harm to the numerous species occupying this forest and/or their habitat.

6) Residents that live near a construction and debris landfill complain of headaches, fatigue, respiratory problems, nausea, itchy eyes, sore throats, sinus irritations, obnoxious odors, and dust. They are concerned about air contaminants other than hydrogen sulfur and sulfur dioxide that may be emitting from the landfill and affecting ambient air quality.

7) The proposed landfill aerial buildup is 200 feet above the surface of the ground. If this is allowed, many residents will be in the shade before the sun goes down. More air contaminants will spread over our homes and properties.

8) MLS has not provided a sufficient NEED for this landfill. The community already endures a Type I landfill (Security Waste Management), just 1.6 miles from the proposed MLS landfill, and has recently received approval from TCEQ to expand their facility and accept waste (including C&D) for the next 30 years.

I live approximately 0.6 miles from the proposed landfill site. In addition to the above problematic issues with the application, my personal concerns are:

1) Traffic and safety – It currently takes me less than 5 minutes to drive from my home to the corner of N. Walker Road and SH 105. Negotiating with 400-600 (800-1,200 round trip) waste vehicles per day entering and departing N. Walker Road, will be unbearable and unsafe.

2) Dust and air contaminants – I am very concerned about the dust and air contaminates as I have severe allergies and bronchial problems. Statistics show an increase in lung and bronchus cancer deaths in areas where air-borne contaminants are discharged. I do not want to become one of those statistics.

3) Contamination of the acquifers – My only source of potable water is my water well. Since the landfill will be 60 feet below the surface with only a clay liner, I am fearful of a break in the liner and subsequent leachate penetration into the acquifers.

4) Contamination of my pond and vegetable garden – With southeast winds, my property will be inundated with dust and contaminates from the landfill. My pond, used for watering my animals and garden for, our healthy eating habits could become contaminated.

5) Property Value – My husband and I purchased our homesite in 1999 as our final retirement home. At age 66, I cannot afford to sell right now, as no one wants to purchase a home next to a landfill, especially with all the above mentioned negative impacts. As other property values continue to grow in Montgomery County, the homes in the area of the proposed landfill are either stagnant or losing value because of the possibility of another landfill. If the landfill is approved, our equity in our will diminish and our dream of financial security eradicated.

I am requesting another public meeting so TCEQ and the Applicant can address these and other community member's concerns. The previous two (2) public meetings were totally unproductive and a joke – the Applicant refused to answer any questions.

By this letter and for the above reasons, I am also requesting a contested case hearing on Montgomery Landfill Solutions' MSW Permit 2324.

Sincerely,

Linda K. Stegenga

6541 Hidden Acres Dr.

Cleveland, Texas 77328

281-432-1866

xc: Judge Alan B. Sandler, Commissioner Ed Rinehart, Senator Robert Nichols, Representative Brandon Creighton, Senator Tommy Williams, US Senator Kevin Brady

Linda K. Stegenga
6541 Hidden Acres Dr.
Cleveland, TX 77328-2627

N HOUSTON TX 773

11 DEC 2007

HAPPY HOLIDAYS

RECEIVED
DEC 13 2007
TCEQ MAIL CENTER
MM

Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
PO Box 13087
Austin, Tx 78711-3087

78711-3087

CPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:41
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 9, 2004

TO: TCEQ and Montgomery Landfill Solutions

FROM: Linda Stegenga
6541 Hidden Acres Drive
Cleveland, Texas 77328

RE: TCEQ Public Meeting, Montgomery Landfill Solutions, LP, Permit #2324

I want to thank you for an opportunity to speak, express my concerns about the proposed landfill site and to re-iterate my request for a Contested Case Hearing on this Application to be held in Montgomery County, Texas.

1) Response to First Technical Notice of Deficiency, TECHNICAL REQUIREMENTS OF PART II, COMMENT 15, July 20, 2004.

TCEQ requested information regarding growth trends and directions of major development for the nearest community, Cut and Shoot, Tx.

RESPONSE:

The Applicant responded to TCEQ's inquiry, however, Cut and Shoot, Tx is not, at this time, the booming part of east Montgomery County but rather the **unincorporated area**, 1 mile to the east of the Cut and Shoot, Tx., or within ½ to one-1 ½ mile of the landfill site. **The Applicant has not addressed the growth trends and land use compatibility issue.**

2) The Applicant states that "Conroe and Cleveland has experienced modest to substantial growth in recent years."

RESPONSE: Our community is between Conroe and Cleveland. Our community is referred to as "Midway". Cleveland and Conroe is expanding, toward our communities. The increased traffic between the two cities are requiring a widening of SH105 to a four lane road to accommodate the projected increase in traffic. The Applicant purports that there is little growth in this area with a projection of 1 – 2 % increase in traffic. **I challenge these projections and, in fact, their entire traffic statistics and growth trend projections.**

4) Part II, 1.6.6 LAND USE CONCLUSIONS, March 1, 2004.. The last point the Applicant made was "Population growth trends in Montgomery and surrounding counties will increase the demand for construction and demolition debris disposal capacity."

RESPONSE: On August 2, 2002, David Crews, the attorney representing the Applicant in Montgomery County told the Commissioner's Court that this landfill was needed to accommodate the growth in Montgomery County.

As of this past month, Waste Management Security Landfill has proposed an expansion to their landfill, just 1.5 miles from this proposed landfill site, to accommodate the needs of Montgomery County and surrounding counties for the next 29 years.

The location of another landfill within 1 ½ mile of each other is totally irresponsible. If this landfill is permitted, tax generating revenues for the county and state will be forever lost TO A DUMP.

5) HGAC – Part I, 2.11, page I-32 – REGIONAL SOLID WASTE PLAN COMPIANCE – Response to First NOD.

In the Applicants response to the first NOD, they state that H-GAC reported that the H-GAC Region will reach capacity of solid waste disposal by 2013.

RESPONSE: If the Security Waste Management Landfill will increase their capability for an additional 29 years, is there really a need for another landfill to add another 40 years, or 69 years of waste dumping IN MONTGOMERY COUNTY?

6) The community in the immediately Affected Area is largely comprised of Hispanics, retirees, first time buyers and families with low income. Properties within the 1-2 mile radius of are of the same composition.

This landfill will create a horrific negative impact on the socio-economic viability of the residents in this community. Property values will decline, not increase if this permit is granted. The citizens in East Montgomery County are being discriminated against through selective siting of landfills. A "clustering" effect, (Security Waste Management Landfill, SH 105, Waste Management Landfill, Loop 336, a Transfer Station on FM 1485) and if this landfill is permitted, will be inevitable.

7) My last point is to address the Closure Cost.- Part III, Tables 1-1 through 2-1 in the First Notice of Deficiency.

The Applicant has not addressed all the closure costs for this permit. I also challenge the validity of some of the projection costs.

476

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:41
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Linda Siegenga

Address: 6541 Hidden Ac.

City/State: Cleveland **Zip:** 77328

Phone: 281 432-1866

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**
(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

8

TCEQ Public Meeting Form

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:33
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Linda Stegenga

Address: 6541 Hidden Acres

City/State: Cleveland Zip: 77328

Phone: (281) 432-1866

☒ Please add me to the mailing list. continue

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 APR 15 PM 3:35

CHIEF CLERKS OFFICE

April 8, 2008

OPA RECEIVED

APR 10 2008

AT PUBLIC MEETING

Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, TX 78711-3087

RE: MSW Permit 2324

Sir/Madame:

During the past 5 years, the residents and business owners in the Midway - North Walker area and those beyond have opposed the Applicant's application for a permit to construct a Type 4, C&D landfill.

Many issues have been addressed in our opposition. I want to place my emphasis on a very clear and potential danger – the potential damage to the health of the area residents and beyond.

1) I have been reviewing statistical data from the Texas Cancer Registry concerning the Number of Observed and Expected Cancer Deaths for the zip code area of 77327-77328, as well as other areas with known landfills (past or present). The 77327-77328 area has a known landfill, Waste Management Security Landfill just 1.5 miles from the proposed landfill site.

The data revealed Cancer Deaths were higher than the Expected Cancer Deaths, particularly Lung & Bronchus cancers. These cancers are associated with exposure to asbestos, herbicides and pesticides, and other air borne contaminates that can be found near a Type I and C&D landfill. Although the number 1 cause of this type of cancer is smoking, it is hard to believe that people who live near a landfill, smoke more than those that do not.

In areas where there are no landfills, Observed and Expected Cancer Deaths were within expectations and insignificant.

2) It is imperative that TCEQ considers the potential health risk associated with adding another landfill to a community with current increased cancer deaths.

When containers are left at a construction job site following a fire, storm or other disaster; demolition and renovation projects; there is no one standing by the containers with a check-list to inventory the disposed materials. When a resident tears down an old structure, they do not tag their load as a "hazard" if it contains **lead based paint, fiber board containing asbestos or pressure-treated lumber containing arsenic.**

mw

Asbestos: As we have learned over the years, asbestos is very dangerous. It is considered most dangerous when crushed, crumbled or disturbed (occurs especially during remodeling or demolition) because it can release tiny fibers into the air. These fibers remain suspended in the air for a long time and can easily penetrate body tissue after being inhaled or ingested.

Asbestos might be found in exterior walls and closed decks built with a fire retardant sheeting that looks like gray cardboard; cement asbestos board used as sheets for straight and lap siding; roof felt; window putty; wall and ceiling insulation; sheet vinyl, vinyl tile and adhesive; insulation blankets, door gaskets, duct insulation; sprayed-on or toweled-on surface material on wall and ceiling surfaces, acoustical tile, textured paint, or heat reflectors.

Inhalation of asbestos fibers can lead to asbestosis (scarring of the lungs), mesotheloima cancer and lung and bronchus cancer.

PCBs: PCBs were widely used before 1979 as dielectic fluid to insulate electric equipment such as capacitors, transformers, switches, and voltage regulators, and for fluorescent lamp ballasts. PCBs are considered hazardous because studies have shown them to cause cancer as well as reproductive and developmental defects in laboratory animals.

Lead: The major source of lead in a home is from contaminated dust (old paint, contaminated soil, and leaded gasoline). Lead-based paint is most commonly found in areas where high durability is needs: windows, doors, door frames, woodwork and furniture. When disposed, material with lead-based paint pose a contamination problem, especially if it gets into the groundwater or surface water. Young children are at the greatest risk from lead poisoning, which can cause delayed development, reading and learning problems, lowered IQ, hyperactivity and discipline problems. Larger doses of lead can cause high blood pressure, anemia and kidney disorders.

Hydrogen Sulfide: Mr. McClanahan indicated there would be NO noxious odors. According to a multitude of reports by residents that live(d) near a C&D landfill, noxious odors are prevalent. Beside the household garbage and dead animals that are buried and undetected in C&D waste vehicles, the disposal of gypsum wallboard produces hydrogen sulfide gas. Hydrogen sulfide is a toxic and explosive gas produced by the anerobic decomposition of sulfur compounds by bacteria. The vapor density of H2S is greater than air which means it may accumulate in low lying areas and may **travel a considerable distance to an ignition source.** The ignition source may be a resident burning his agricultural property in preparation for a new crop.

3) Surface and Well Contamination: Residents in the immediate area are concerned about contamination of their surface water, water wells and livestock ponds. C&D waste requires continuous wetting of the material. The transporting waste container should be sprayed down and covered prior to transportation to the landfill to minimize dust pollution. Once the waste container reaches the landfill, the material should again, be

watered to prevent dust pollution and a fire hazard. Where does all of this water go? To the bottom of the landfill where "leachate" is created. There is a possibility that this leachate could be released with a break in the clay liner into the acquifer directly below the landfill, contaminating water wells and water transported to other communities; or, onto the surface waters (ditches, ponds, wetlands).

Remember what Mr. McClanahan said "This permit will only allow us to accept brush and construction-demolition waste." "ONLY" is simple, right? Those of you who are in construction know that "other" waste is disposed of at a construction site. I live with a contractor and have many construction friends. They have had to remove household garbage, dead animals and non-construction site items from their roll-off headed to a C&D waste facility, however, it's not a 100% guarantee that they caught everything.

Summary: As a result of the proposed 500 + daily trips of C&D vehicles depositing their potential toxic agents, the landfill is a health risk for the community and the areas that depend on the Chicot and Evangeline Acquifers as a source of potable water. If the MLS landfill is approved, residents must plan for their "early" death due to the toxins. They must daily face their children and make a decision....get out now, sell and find a safe place or face the potential consequences. Areas, such as the Woodlands, that may need to tap into our prestine acquifer, will not be guaranteed that the acquifer is "safe" for consumption due to the landfill.

It is difficult to understand why the State of Texas would approve a project that could potentially decrease its citizens life expectancy. We pray the State will do the right thing and deny this permit.

Sincerely,

Linda K. Stegenga
CAML member and resident
6541 Hidden Acres Dr.
Cleveland, TX 77328
281/432-1866

xc: Senator Bob Nichols, Representative Brandon Creighton, Judge Barb Sadler, Commissioner Ed Rinehart

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: LINDA STEGENGA

Address: 6541 Hidden Acres

City/State: Cleveland TX **Zip:** 77328

Phone: (281) 432-1866

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Written NOT ORAL

Please give this to the person at the information table. Thank you.

37862
M-W

Linda K. Stegenga
6541 Hidden Acres Drive
Cleveland, Texas 77328

March 10, 2005

OPA

MAR 10 2005

BY _____

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: TCEQ Public Meeting - Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I would like to thank the staff in the Office of Assistance for their kind help in walking us through the Public Meeting process and explaining the rules and procedures.

Although the issues of Traffic and Road Use have been addressed in the technical review of the MLS Application, the traffic situation in the Midway becomes increasingly dangerous every day.

Based on traffic studies performed by Waste Management Security Landfill, Permit 1752B in 2002, whose entrance to their landfill site is just 0.5 miles traffic studies performed by Montgomery Landfill Solutions, LP in 2003, and TXDot studies performed in 2004, within a two year period, the road use on SH 105 in the Security and Midway area **increased** over fifteen percent **(15%).** This is increase is also in direct proportion to the increase in the housing development during the same period. Three subdivisions (Crockett Trace, Kellyn Oaks and Emerson Estates) have been added in the Midway community representing over 1000 homes. An additional 400-600 homes are projected in the next two years. Several new businesses have opened immediately south of the proposed landfill site. Two (2) churches and a day center will be constructed within the next year at the 1 mile radius south of the landfill site.

The Conroe Courier published an article on August 22, 2004 entitled "Montgomery County's Most Dangerous Roads". SH-105 has been designated "the most dangerous highway." There were 80 automobile accidents and 2 fatalities in the first six month. One of those fatalities killed two of our local residents at the intersection of SH 105 and North Walker Road, the proposed entrance for the landfill.

The Security Landfill, Permit 1752B has filed an application to enlarge their facility, just 0.5 miles from North Walker Road and will triple its capacity to accept waste for an additional 20 years plus. This expansion alone will significantly add to the large truck traffic in our immediate area as well as the adjacent FM roads that access SH 105. The waste trucks traveling west to east that currently pass North Walker to gain entrance to the Security Landfill is nearly 400 per day. Adding an additional 255 truck on opening day of the MLS landfill site will not only create havoc but substantially increase the possibility of more deaths, injuries and destruction of property. In fact, with the expansion of the Security Landfill, this is NO NEED for another landfill that will pose such a destructive impact on this community.

Large truck traffic will use I-45 eastbound, I-59 westbound, local FM roads and nearby county roads to access the site. These local roadways pass by several public school complexes thus putting school children, teen drivers, parents and teachers in extreme danger every day. The roads that waste trucks currently utilize to access the Security Landfill pass Caney Creek, Moorehead, Grangerland Regional School Complex, Austin Elementary and New Caney Elementary-Keefer Crossing Middle School Complex. It is unconscionable that a State Agency would approval permitting another landfill in an area that would create a death trap for our children and the public at large.

I appreciate the fact the TCEQ made a condition in the Preliminary Decision that the Applicant must reconstruct North Walker Road prior to beginning operation if the Application is approved. However, this also will require condemnation of property along the 1.4 mile road. Property owners will not only forego a portion of the property but will then have to live with waste vehicles traveling in front of their homestead every 1.5 minutes, 12 hours per day, 5 ½ days a week. The widening of the road and reconstruction of the sub-grade will not save the lives of our children, who will be getting on and off of their school buses at the busiest time of the day (7:00 a.m. – 9:00 a.m. and 3 p.m. to 5:00 p.m.), from a possible deadly impact with a waste vehicle. If the proposed landfill is approved, I employ TCEQ to make it a condition that MLS construct a dedicated road directly from SH 105 to their landfill site. Although there are many other technical problems concerning this landfill permit that I believe are grounds for denial, allowing MLS to use a residential county road for their financial gain must not be allowed. The public safety must come first. It is the duty of the State to protect its citizens.

Thank you for your consideration.

Sincerely,

Linda Stegenga

Linda K. Stegenga

37868 MSW

Linda K. Stegenga
6541 Hidden Acres Drive
Cleveland, Texas 77328
281/432-1866
281/432-1778 – Fax

OPA
JUL 19 2004
BY JS

July 16, 2004

LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

VIA FAX 512/239-3311

Arthur Denny, Team Leader
MSW Permit Team III
Municipal Solid Waste Section, Waste Permits Division

VIA FAX 512/239-6000

RE: Montgomery Landfill Solutions, L.P., (the "Applicant) Proposed Permit No. 2324, Subject - Community Support

Dear Ms. Castanuela and Mr. Denny:

I want to make sure that you have received copies of the Resolutions documenting opposition of this landfill, not only by the local county commissioners, but surrounding cities/towns and counties.

In the Applicant's original Permit MSW 2312, dated September 23, 2003, the Applicant had a Resolution from the Montgomery County Commissioners Court supporting the proposed landfill site. However, prior to the Applicant's withdrawal of their permit No. 2312 on March 31, 2004, the Montgomery County Commissioners Court had RESCINDED that Resolution. Upon the Applicant's resubmission of their application, new Permit No. 2324, the Applicant did not correct their application under "Community Support" to properly reflect that they DID NOT have the support of the Montgomery County Commissioner's Court and that the Resolution of December 2, 2002 under MSW 2312 had been rescinded. Instead, they continue to purport that they have the support of Montgomery County Commissioners.

These are the facts:

1) A Resolution was passed December 2, 2002 supporting the landfill by Montgomery County Commissioners Court, and documented in Permit Application 2312.

2) A Resolution was passed by the City of Conroe, January 9, 2003 supporting the landfill.

However, The City of Conroe has no jurisdiction or extra-territorial jurisdiction to approve or disapprove a landfill in East Montgomery County. This Resolution has no standing in this permit application.

3) A Resolution was passed January, 26, 2004 by the Montgomery County Commissioners Court **Rescinding** their previous Resolution and Opposing the Landfill. "**NOW THEREFORE BE IT RESOLVED that Montgomery County Commissioners Court does hereby**

RESCIND it's resolution of December 2, 2002 and does in fact OBJECT to the permitting of the proposed facility in Montgomery County."

5) A Resolution was passed February 12, 2004 by the Town of Cut and Shoot, Texas, the closest town to the west of the proposed site OPPOSING the landfill. Resolution No. 64 dated February 12, 2004.

6) A Resolution was passed March 31, 2004, by the City of Cleveland, Texas, the closest city to the east of the proposed site OPPOSING the landfill. Resolution No. 3-31-04 dated March 31, 2004.

7) A Resolution was passed May 11, 2004, by the Liberty County Commissioners Court, the County adjoining Montgomery County, directly to the east within 12 miles of the proposed landfill site, OPPOSING the landfill. Resolution dated May 11, 2004.

Please enter these documents into evidence that there is "NO COMMUNITY SUPPORT" from any local government that has a relevant interest and knowledge of this proposed landfill site (the county commissioners in authority of the proposed landfill site, the closest town to the west, the closest city to the east and the adjoining county).

I trust you will do the right thing and deny this permit.

Sincerely,

Linda K. Stegenga

Linda K. Stegenga, A.A.S. - Paralegal
Co-Chairperson and Legal Liaison
Citizens Against Montgomery Landfills

Attachments

xc: Cheryl Mergo, HGAC, Rep. Ruben Hope, Senator Todd Staples, Senator Tommy Williams, Judge Alan Sadler, Commissioner Ed Rinehart.

#4
1-26-04

RESOLUTION
AGAINST
MONTGOMERY COUNTY LANDFILL SOLUTIONS, L.P.

WHEREAS, on December 2, 2002, Montgomery County Commissioners Court passed a resolution in support of Montgomery County Landfill Solutions. L.P. building a type IV municipal solid waste facility on approximately 473 acres of land on North Walker Road, Montgomery County, Texas; and

WHEREAS, the study for the proposed facility was based on a 1997 statistics and information specifically omitted the current development in the existing area that includes approximately 300 homes; and

WHEREAS, North Walker Road is a 21 foot wide road; and

WHEREAS, MSLS is anticipating 239 vehicles per day at start up and 335 vehicles per day at closure and the current peak hour of vehicles per day is 174. MLSL had documented the estimated hourly capacity is 202 vehicles per day. By admission by the applicant (MSLS), this road is not constructed to sustain the traffic volume; and

WHEREAS, additional development in the area is contemplated and in fact platted that would include up to 1000 homes and / or mobiles homes; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 - 15 years AND location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and fatalities would in fact no doubt occur; and

WHEREAS, the proposed land fill site is located within the 50 year flood plain with two active creeks bordering the east and west side, Lawrence Creek and West Fork Spring Branch Creek and construction of such facility in the 50 year flood plain bordered by two creeks would ultimately contaminate water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, Montgomery County is and continues to be the dumping ground for approximately a six county area but primarily benefits Harris County. It is time for other counties in the immediate region to mutually shoulder the burden of having their proportionate share of landfills that would take construction waste, demolition, debris and household garbage; and

WHEREAS, Montgomery County Commissioners Court on December 2, 2002 was not aware of many of the issues contained in this resolution at the time it supported Montgomery County Landfill Solutions, L.P.; and

WHEREAS, Montgomery County Commissioners Court has fully investigated locations, demographics, and other issues associated with this proposed facility and hereby recommends to the Texas Commission on Environmental Quality that they not approve a permit for any type of landfill on the subject 473 acres of land located on or near North Walker Road, Montgomery County, Texas.

NOW THEREFORE BE IT RESOLVED that Montgomery County Commissioners Court does hereby **RESCIND** it's resolution of December 2, 2002 and does in fact **OBJECT** to the permitting of the proposed facility in Montgomery County, Texas.

Alan B. Sadler, County Judge

Mike Meador, Commissioner, Pct. 1

Ed Chance, Commissioner, Pct. 3

Craig Doyal, Commissioner, Pct. 2

Ed Rinehart, Commissioner, Pct. 4

Attest:

Motion was made by Bill Oliphant and seconded by I.D. Roberts that the following Resolution be passed:

RESOLUTION NO. 64

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, CUT AND SHOOT, TEXAS, AGAINST PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS.

WHEREAS, the Town Council of Town of Cut and Shoot has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L P ; and

WHEREAS, the Town Council is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and facilities would in fact no doubt occur; and

WHEREAS, the proposed landfill site is located within two separate flood plain areas known as Lawrence Creek and West Fork – Spring Branch Creek and construction of such facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, the proposed landfill therefore poses a multitude of problems to the Town's residents and other citizens in East Montgomery County, related to health, traffic safety, pollution, litter, and other visual pollution;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, opposes the proposed landfill by Montgomery County Landfill Solutions, L. P

PASSED AND APPROVED this 12th day of February, 2004.

Lang Thompson, Mayor

ATTEST:

Amy L. Wade, City Secretary

RESOLUTION NO 3-31-04

A RESOLUTION OF THE CITY OF CLEVELAND, TEXAS
AGAINST A PROPOSED LANDFILL FOR
EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, the City Council of the City of Cleveland, Texas has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P., and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 - 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is locate within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS opposes the proposed landfill by Montgomery County Landfill Solutions, L.P

PASSED AND APPROVED this 31st day of March 2004

Monique McDuffie-Davis

Monique McDuffie-Davis, Mayor

ATTEST:

Kelly McDonald

Kelly McDonald, City Secretary

A RESOLUTION OF THE COUNTY OF LIBERTY, TEXAS, AGAINST A PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, The County of Liberty, Texas, has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 - 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is located within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNTY OF LIBERTY, TEXAS, opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 11th day of May, 2004.

LLOYD KIRKHAM, County Judge

ATTEST:

DELIA SELLERS, County Clerk

OPA

MAY 24 2004

BY

Linda K. Stegenga
6541 Hidden Acres Drive
Cleveland, Texas 77328
281/432-1866; 281/432-1778 – Fax

May 24, 2004

LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

VIA FAX 512/239-3311

CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Since my letter of April 19, 2004 opposing the above reference permit, I have been in contact with Attorney John Williams and Team Leader Arthur Denny by e-mail concerning additional issues that have arisen, and want to make sure they are being addressed by TCEQ.

1) The April 22, 2004 public meeting held by Montgomery Landfill Solutions, L.P., (the "Applicant") should be held invalid since the Applicant did not make an appearance to answer questions and concerns from the citizens and businesses in the affected community. The Applicant's representatives, Attorney David Crews and Engineer, Gary Horwitch, could not answer questions or address concerns presented by the attendees of the meeting. Their standard reply was "I cannot answer that question on behalf of the Applicant".

2) The Applicant provided a FEMA Flood Plain Map dated December 19, 1996 as documentation that the proposed landfill site is outside the 100 year flood plain. The changes made in 1996 were ONLY applicable to southern Montgomery County. Following the 1994 flood in southern Montgomery County, the developers in that area requested a new study by FEMA. Some of the areas within the 100 year flood plain were placed outside, some outside were placed inside. The map was not redrawn for all of Montgomery County, including the site of the proposed landfill. This can be confirmed by Montgomery County Engineer, Mark Mooney who said "No changes were made in any other part of Montgomery County, only that particular area in southern Montgomery County." Consequently, the flood plain in our area is still based on the 1978 flood plain map which is outdated and does not accurately reflect the changes that have occurred in our area during the past 26 years.

Other issues I would like to address are as follows:

1) No local governmental entity in the affected area support the location of this proposed landfill. Resolutions have been passed OPPOSING the landfill by the following: Montgomery County Commissioner's Court, Liberty County Commissioner's Court, the closest town to the west, Cut and Shoot, Texas and the closest town to the east, Cleveland, Texas.

2) This proposed landfill is unnecessary. The Waste Management Security Landfill, Permit #1752A, is just 1.5 miles from the proposed landfill site. According to the Applicant's attorney, David Crews, the purpose of this landfill is to serve the growing development in Montgomery County (letter to County Judge Alan Sadler dated August 15, 2002). Waste Management is currently accepting construction-demolition materials for the developers in Montgomery County and counties beyond. In addition, they are amending their permit to add an additional 50 acres

which will extend their ability to accept the increase demand for 20 more years. Another landfill will NOT benefit Montgomery County. In fact, it would have an adverse affect on the growth and development in East Montgomery County. Our area is included in the East Montgomery County Improvement District. Another landfill in this area would greatly harm their objectives of helping existing and locally owned small businesses, development of new businesses, promoting economic and community development and improving the quality of life for residents in East Montgomery County.

3) Our community is largely composed of retirees, lower-income, and hispanics. After review of the Montgomery County Appraisal District records, ninety-nine (99) percent of the property values are less than $100,000. Another landfill in our community will have a "disparate" impact, plummeting property values, stagnating residential and business development, and imposing health and safety issues on citizens who, for the majority, do not have medical insurance. Apparently, the Applicant did not consider a less discriminatory alternative site. They chose the site because it was close to a highway and the land was cheap. Our community is being discriminated against, disenfranchised, and continue to carry the burden of waste disposal for 5 surrounding counties.

I trust you will do the right thing and deny this permit.

Sincerely,

Linda K. Stegenga

xc: Cheryl Mergo, HGAC, Rep. Ruben Hope, Senator Todd Staples, Senator Tommy Williams, Judge Alan Sadler, Commissioner Ed Rinehart.

Linda K. Stegenga
6541 Hidden Acres Drive
Cleveland, Texas 77328
281/432-1866; 281/432-1778 – Fax

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 APR 22 AM 10: 38

CHIEF CLERKS OFFICE

PM OPA 37868
APR 22 2004
BY

April 19, 2004

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Among the numerous negative impacts that our community will be addressing concerning the proposed landfill site during the Public Comment period for TCEQ consideration, I specifically want to point out a very serious error and misrepresentation by MLS in the current permit application.

Part I – Report/March 1, 2004, page 1-13, Item #1.6.3 - HOST COMMUNITY RESOLUTIONS.

MLS, the applicant, has stated that "MLS has sought and received host community resolutions for the permitting, construction, and operation of the MLSL from the Montgomery County Commissioner's Court, and from the City of Conroe, Texas City Council."

The resolution from Montgomery County Commissioner's Court, passed on December 2, 2002 was RESCINDED on January 26, 2004 and DO NOT SUPPORT the landfill at this particular site. Furthermore, the nearest town/city to the west (1.5 miles from the proposed MLS landfill site), the town of Cut'N'Shoot, Texas passed a Resolution OPPOSING the landfill on February 12, 2004. The nearest town/city to the east, the City of Cleveland, Texas passed a Resolution OPPOSING the landfill on March 31, 2004. Copies of the Resolutions opposing the proposed site of this landfill are attached.

The City of Conroe, Texas has no jurisdictional or extraterritorial jurisdiction authority or standing in passing a Resolution in this matter.

I trust you will take this matter under advisement in proceeding with the above referenced application. Montgomery County Commissioner's Court and local governments, whose citizens will be directly affected, should have legal standing in opposing the landfill at the proposed site and weigh heavily on TCEQ's decision to DENY this permit application.

I am also requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Hoping this meets with your attention and consideration in this matter, I am

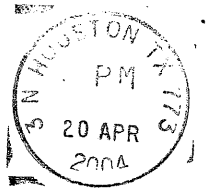
Sincerely yours,

Linda K. Stegenga

cc: Cheryl Mergo, HGAC; Representative Ruben Hope; Senator Todd Staples; Senator Tommy Williams

10.2

Linda K. Stegenga
6541 Hidden Acres Dr.
Cleveland, TX 77328



Office of the Chief Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
APR 22 2004
TCEQ

7871143087 12

MSW
378668

OPA

H

BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 35

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. We are opposed to this proposed permit and amendment and we hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of proposed landfill and who are affected by the proposed landfill.

I own a home 0.1 miles from the proposed landfill and my address is 7759 N. Walker Rd, Cleveland, TX 77328. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my/our property affected by the application. Neither my claim asserted not the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

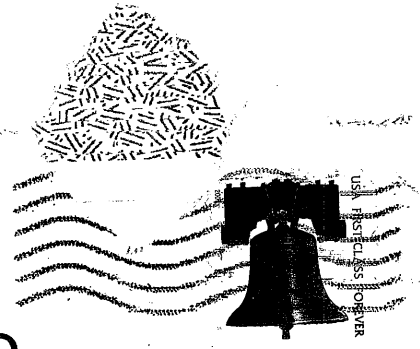
Sincerely

Nancy Steward

Nancy Steward

Nancy Steward
7759 N. Walker Rd.
Cleveland, TX 77328

HOUSTON TX 772
23 MAR 2009 PM 8 T



RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
SS

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

37868

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

OPA RECEIVED
H PM AUG 09 2004
AT PUBLIC MEETING
CHIEF CLERKS OFFICE
2004 AUG 11 PM 3:04
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Nancy Steward. I am a resident in the area and I am concerned about:

Our well Water Supply, our Roads and Children with all the additional traffic & Big Trucks. Our property values will fall drastically. Our property is on the North Side of the Site with the flooding problems already in our area, the water flow - Creeks going through the property we will get back up water flow & surely be flooded more than ever.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Nancy Steward
Address: 7159 N. Walker Rd
City, State, & Zip Cleveland TX 77328
Phone: 8324579664

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:04
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Nancy Steward & Kids

Address: 7759 W. Walker Rd

City/State: Cleveland TX **Zip:** 77328

Phone: 832 457 9664

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

MSW
378608

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:08

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. We are opposed to this proposed permit and amendment and we hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of proposed landfill and who are affected by the proposed landfill.

I own a home 0.1 miles from the proposed landfill and my address is 7759 N. Walker Rd, Cleveland, TX 77328. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my/our property affected by the application. Neither my claim asserted not the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

IES,

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

T.E.S.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely

Thomas E. Steward

Thomas Steward

THOMAS E. STEWARD
7759 N. Walker Rd.
Cleveland, TX 77328

HOUSTON TX 772
23 MAR 2009 PM 2 T

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER

78711+3087

August 09, 2004

OPA RECEIVED
H PM AUG 09 2004
AT PUBLIC MEETING

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

CHIEF CLERKS OFFICE
2004 AUG 11 PM 3:04
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is THOMAS STEWARD. I am a resident in the area and I am concerned about:
FLOODING AND SPREADING OF CHEMICALS CONTAMENATED MATERIALS, LOSS OF PLANT and ANIMAL LIFE. ~~DAMA~~ DAMAGE TO THE WATER TABLE. EXCESSIVE TRAFFIC THROUGH THE NEIGHBOR HOOD. WHO AND HOW ARE THIS CONTAINER'S TO BE INSPECTED FOR MATERIALS NOT SUPPOSED TO BE IN THIS LAND FILL. HEAVY RAIN + RUNOFF WATER DOES RUN DOWN HILL,

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Thomas E. Steward
Address: 7759 N. WALKER RD.
City, State, & Zip CLEV. TX 77328
Phone: 832-457-9661

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:04
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: THOMAS STEWARD

Address: 7759 N WALKER RD.

City/State: CLEV. TX **Zip:** 77328

Phone: (832) 457 9661

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

378208

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 48

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I rent a home within 1 mile of the proposed landfill and my address is 11272 Hwy 105 E, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

BFS.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

BFS.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

B.F.S.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Bennett Stone

Bennett Stone
P.O. Box 3401
Conroe, TX 77303

HOUSTON TX 772
24 MAR 2009 PM 2 L

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 48
CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief-MC 105
TCEQ

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:04
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Sandra & Gary Sullivan

Address: 7048 Pine Shadows Rd

City/State: Cleveland, TX Zip: 77328

Phone: (281) 432-0385

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Hold another meeting to accomodate all of the public (persons) where everyone can hear and have a chance to speak. Need a bigger building with restrooms, handi-capped equiped + have plenty of sitting room, etc.

Please give this to the person at the information table. Thank you.

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

2004 APR 29 PM 2:
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

OPA
APR 30 2004
BY

Gary M. Sullivan
Printed Name and Address

7048 Pine Shadows Rd
Cleveland, Tx. 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

KW

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

2004 APR 26 PM 2:39
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Sandra J. Sullivan
Signature

Sandra J. Sullivan
Printed Name and Address

7048 Pine Shadows Rd
Cleveland, TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

KW

MSW 37368

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -7 PM 3:29

CHIEF CLERKS OFFICE

OPA

JAN 08 2008

BY GB

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Joseph Tansey
Address- 18531 Thomas Cleveland TX 77328
Phone-

Distance from proposed site- 1 1/2 miles

Negative impact to my health, safety and property will be - traffic, water

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Ms Leah Smith
15787 Miller Rd
Conroe, TX 77303

HOUSTON TX 772

05 JAN 2008 PM 1 T

MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711-3087

MSW
37808

From: Jamie Fox
To: Jamie Fox
Date: 4/1/2009 2:16 PM
Subject: Re: Fwd: Public comment on Permit Number 2324

H

>>> PUBCOMMENT-OCC 3/23/2009 8:21 AM >>>

3/21/2009 10:42 AM >>>

REGULATED ENTY NAMEMONTGOMERY LANDFILL SOLUTIONS
RN NUMBER:RN104006879
PERMIT NUMBER:2324
DOCKET NUMBER:2005-1371-MSW
COUNTY:MONTGOMERY
PRINCIPAL NAME:MONTGOMERY LANDFILL SOLUTIONS LP
CN NUMBER:CN602494320
FROM
NAME: David Tate

COMPANY:
ADDRESS:15378 JODY LN
CONROE TX77303-3920
PHONE:936 264-2877
FAX:
COMMENTS: Via facsimile: (512) 239-3311 and surface mail Ms. La Donna Castañuela Office of the Chief Clerk MC 105 Texas Commission on environmental Quality 12100 Park 35 Circle Austin, Texas 78753 March 14. 2009 RE: Montgomery Landfill Solutions Permit #2324 This letter is in response to the Executive Directors Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing. I am a member of Citizens Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill. I own a home 2.5 miles of the proposed landfill and my address is 15378 Jody Lane. I live near the community of Cut and Shoot. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills. Comment 2 - Alternative Language Notice Response 2:

MW

The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant Comment 4 - State and Local Government Involvement Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Response 4: Continued Montgomery County Commissioners Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill. HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding. Comment 6 General Comments about Process Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery Landfill Solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ. Comment 7 Environmental Public Defender Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not. Comment 11 Location and Community Need Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Comment 13 Ownership Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicants degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved. Comment 15 Land Use Compatibility Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected

property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community. Comment 16 Access and Community Safety Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area. Comment 24 Floodplain maps Response 24: The applicants estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain. Comment 25 Flooding Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site. Comment 26 Liner Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site. Comment 27 Water and Soil Contamination Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. Comment 32 Air Pollution Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design. Comment 33 Property Value and Area Development Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates. Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Directors Response to Comments for MSW permit # 2324. Sincerely, David Tate 15378 Jody Lane Conroe, Texas 77303

MSW 378268

HR/OPA PM

DEC 13 2007

BY SM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 13 AM 10: 03

CHIEF CLERKS OFFICE

December 11, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

MW

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is not adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill would not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek, which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater-monitoring plan for the site sufficient to protect the affected neighborhood down gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20-story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name-_David Tate
Address-15378 Jody Lane Conroe, Texas 77303-3920
Phone-936 264-2877
E-mail [redacted]

Distance from proposed site- 4 miles

Negative impact to my health, safety and property will be – very hard to quantify in two or three sentences.
I am very concerned if this application were to be approved the numbered of people that would die because of disease and accidents in and around the proposed site. If the figures are correct SH 105 is becoming one of the most dangerous highways in Montgomery County. This issue is one the applicant is trying to wish away, but the true facts are, SH 105 is long over due for expansion but the explosive population growth on FM 242 in South Montgomery County has redirected funds for these improvements. These are facts for the Department of Transportation.
I have serious reservations about MLS ability or desire to follow TCEQ rules. The combative, deceptive manner in dealing with the affected citizens has been less then acceptable or honorable. Using history as a guide, the investor and managerial changes during this process, my assessment of the application process....it is an open book test and they have failed for five years to get it right. This location site is flawed and dangerous for the community and is nothing more than a capitalist revenue stream for an investment group. It is a proven fact that this additional capacity is unneeded for at least 30 years.

Sincerely,
David Tate
David Tate

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton and US Senator Tommy Williams

Tate
15378 Jody Lane
Conroe, Tx. 77303

N HOUSTON TX 773
11 DEC 2007 PM 4 L

RECEIVED
DEC 13 2007
TCEQ MAIL CENTER
MM

HAPPY HOLIDAYS

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 DEC 20 PM 3:33
CHIEF CLERKS OFFICE

377868
MSW

CITIZENS AGAINST MONTGOMERY LANDFILLS, INC (CAML)
P.O. BOX 7273
CUT AND SHOOT, TEXAS 77306
www.geocities.com/stopthelandfill

PM OPA
H DEC 21 2004
BY

Board of Directors:
Glenn Bell – 281/592-7344
Leah Smith – 936/445-1493
Linda Stegenga - 291/432-1866
David Tate – 936/264-2877
Jacqueline Woychesin - (281)539-0738

Officers:
David Tate - President
Jackie Woychesin – Vice President
Claudia Hubbard - Treasurer
To be appointed - Secretary

December 15, 2004

LaDonna Castanuela, Chief Clerk
TCEQ
P.O. Box 13087, MC-105
Austin, Texas 78711-3087

Via Facsimile: (512) 239-3311
and Regular Mail

RE: Notice of Application and Preliminary Decision, Montgomery Landfill Solutions, LP, Proposed Permit Number 2324

Dear Ms. Castanuela:

On behalf of the members of Citizens Against Montgomery Landfills, Inc. (CAML) and other concerned citizens in the affected area, the Officers and Board of Directors of CAML is filing this petition requesting a public meeting to afford the citizens an opportunity to comment about the above referenced application or draft permit. We are also requesting a contested case hearing.

CAML's membership includes over 1000 property owners that will be negatively impacted by the proposed landfill, giving us "standing" to contest this application. Attached is a copy of our membership of concerned citizens. Your acknowledgement and response to this letter, on behalf of our membership may be directed to:

Linda K. Stegenga
Legal Liaison & Member, Board of Directors
Citizens Against Montgomery Landfills, Inc.
6541 Hidden Acres Drive
Cleveland, Texas 77328

There are numerous issues that the members of CAML and other affected citizens and businesses have already raised and we would like to re-confirm those issues, such as, **but not limited to**:

Land Use Incompatibility and General Land Development Patterns: The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the surrounding communities.

Groundwater Contamination, Flooding and Surface Water Drainage: The Applicant has failed to provide adequate information to demonstrate compliance with: (a) run-off and run-on management systems; (b) the impact of natural drainage patterns; (c) verification of the 100-year flood plain, and, (d) preventing groundwater and water well contamination.

Traffic Safety & Road Inadequacy: Concerning the reconstruction of North Walker road, there is no guarantee that widening the size of the road and adding an industrial base to the road, that no child will be killed and the residents on North Walker Road would be as secure as they were prior to the construction of the landfill. Adding 478 vehicle trips per day of waste disposal vehicles to a normal flow of 100-150 vehicles per day of residential vehicles, is a disaster waiting to happen.

Land Clustering & Environmental Justice: East Montgomery County currently provides waste disposal facilities for Montgomery County and (4) surrounding counties through Security Waste Management Landfill, just 1.5 miles from the proposed landfill site, or, 0.4 mile from the proposed entrance at North Walker Road and the current entrance to Security Landfill on SH 105E. There is also an industrial waste facility and a transfer station just 8 miles to the east of the proposed landfill site and current Waste Management Facility. Residents in the community believe that this area has been targeted for clustering of landfills. The residents in the Midway, Security and Cut and Shoot area are primarily comprised of low income families, Hispanics and retirees.

Exiting Landfill: Security Waste Management Landfill (SH 105) has applied to expand their capacity to meet the needs of Montgomery County and the surrounding counties for another 29 years. This landfill is just 1.5 miles from the proposed MLS landfill. There is no need for another landfill in this immediate area.

Wetlands: The Applicant changed their footprint to avoid mitigating 10.92 acres of wetlands in the proposed landfill site. Pollution released during frequent flooding and by poor construction design, will contaminate the jurisdictional waters. The landfill footprint is immediately adjacent to these jurisdictional waters. During the flooding season, the jurisdictional wetlands will receive run-off from the landfill. There are an additional 47 acres of wetlands that the Applicant will destroy during construction, which is unacceptable. These wetlands provide a deterrent to flooding onto the immediate property owners.

Mineral Interest: The mineral interest at this proposed landfill site is not under the ownership of the landfill company. As the dominant owner, access to and development of mineral interest is a right of the mineral right owners under the Texas Statutes.

Protection of Endangered Species: The Applicant has failed to demonstrate that the landfill will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of endangered or threatened specie.

Regional Solid Waste Plan: The applicant has failed to demonstrate that this proposed facility will conform to the Regional Solid Waste Management Plan by H-GAC.

Underestimated closure and post-closure care. The applicant cost for closure and post-closure care appears to be underestimated.

Sincerely,

CITIZENS AGAINST MONTGOMERY LANDFILLS, Inc.

David Tate

David Tate, President and Board of Directors
On behalf of the Officers, Board of Directors and Membership

xc: CAML Board Members and Officers: Glenn Bell, Claudia Hubbard, Leah Smith, Jacqueline Woychesin

CITIZENS AGAINST MONTGOMERY LANDFILLS, INC. (CAML)
MEMBERSHIP DIRECTORS

As of December 5, 2004

	Last Name	First Name	Address	City	Zip
1	Abramson	Kimmy	7791 Hidden Acres	Cleveland	77328
2	Abramson	Roy W	5556 Forest Dr.	Cleveland	77328
3	Abrego	Lavencio	17810 Hwy. 105 E.	Conroe	
4	Adams	Heather	2012 Acorn Place	Cleveland	77328
5	Adams	Misty	285 Timber Creek	New Waverly	77558
6	Adams	Lori	2012 Acorn Place	Cleveland	77328
7	Adams Jr.	Richard J. & Kathleen	3760 N. Walker Rd.	Cleveland	77328
8	Adkins	Wesley T. & Jennifer	4451 Forest Dr.	Cleveland	77328
9	Aguilar	Jan & Leticia	3761 Crocket Martin Rd	Conroe	77306
10	Aguilar	Maria I.	403 Longmire Rd #137	Conroe	77304
11	Akin	Lewis	7124 N. Walker Rd	Cleveland	77328
12	Alexander	Chester	10 Little Pine Valley	Cleveland	77328
13	Alexander	Allen	201 Whiskey Creek	Cleveland	77328
14	Allen	April	1607 Shady Oaks	Conroe	77301
15	Allen	Gregory M	19520 Meadow Lake Rd.	Cleveland	77328
16	Allen	Leilani	1001 Longmire Road	Conroe	77304
17	Allen	Ruth	19520 Meadow Lake Rd.	Cleveland	77328
18	Allman	Jeff	3906 Brazewell Rd.	Cleveland	77328
19	Alverdee	Katrina	15269 Jody Lane	Conroe	77303
20	Anderson	Janet	15321 Holly Lane	Conroe	77303
	Ankeleken	Nitin	20248 Hwy. 105 E	Cleveland	77328
21	Antille?	Melanie	6197 Forest Dr.	Cleveland	77328
22	Arie	Clay & Clayde	2607 Pioneer Ln.	Cleveland	77328
23	Armacost	Jon	2008 Northampton Dr.	Conroe	77301
24	Armstrong	Charles T.	401 Billie Bess	Conroe	77301
25	Armstrong	Kathy	10485 Timberswitch Road	Cleveland	77328
26	Arnold	Ed & Tara	15640 Brittney Lane	Conroe	77303
27	Arnold	Faron & Angela	18720 Oakridge Dr.	Cleveland	77328
28	Arnold	Richard	15477 Tree Monkey	Conroe	77303
29	Arrieta	Elvio	17269 Spanish Oaks	Conroe	77306
	Ashby	Kevin	2118 Pine Rd.	Cleveland	77328
30	Ashley	Robert	1942 Acorn Place	Cleveland	77328
31	Atchley	Matthew & Deana	2401 E Davis	Conroe	77301
32	Atkinson	Raymond & Valerie	16071 Tree Monkey	Conroe	77303
33	Atkinson	Richard	16027 Tree Monkey	Conroe	77303
34	Atkinson	Rodney	15969 Tree Monkey Rd.	Conroe	77303
35	Atkinson	Willie Mae	16061 Tree Monkey Rd.	Conroe	77303
36	Atkinson	Brenda	5680 Nebraska	Cleveland	77328
37	Azuara	Luis	18892 Oakridge Dr.	Cleveland	77328
39	Bacon	Melinda	22818 Brook Forest	New Caney	77357
40	Bagley	Jimmy	208 S Wood Street		77378
41	Bagwell	Clayton	14129 McComb Road	Conroe	77302
	Baker	Ryan	7839 Hidden Acres	Cleveland	77328
38	Baker	Shane	19160 Meadow Lake Rd	Cleveland	77328
	Ball	Melissa & Rick	7910 Borashead		
42	Ballard	Avery	16955 Hoper Road	Montgomery	77316
44	Ballard Jr.	William F & Martha D	24620 Hwy 105 E	Cleveland	77328
45	Banks	Judy	12016 Metts Road	Conroe	77306
46	Barbasa	Elizabeth	18820 FM 1484	Conroe	77303
47	Barbosa	Elizabeth	18820 FM 1484	Conroe	77303
48	Barfield	Stephen & Karen	2010 N Walker Rd	Cleveland	77328
49	Barge	David A.	P O Box 234 (7927 Adcock Acres)	Conroe	
50	Barge	David A. & Helen	P O Box 234 - 7927 Adcock Acres	Conroe	77305
	Barbnaba	Mary	8168 Hidden Acres	Cleveland	77328
51	Baroenus	Rogelio	5420 Jack Spera Way	Cleveland	77328
52	Barr	Martha			
53	Barrera	Jesse	1400 N 9th Street	Conroe	77301
54	Barrera	Sergio	11545 Wiren Rd.	Conroe	77303
55	Barretto	Paul	1267280 Oakleaf Rd	Conroe	77303
56	Barton	Melissa & Rick	4982 Greenwood Dr.	Cleveland	77328
	Barton	Sheila	4460 Woodpeckers Grove	Cleveland	77328
57	Bastedo	Walter C.	3405 Oak Forest Dr. West	Conroe	77303
58	Bates	Stephen	22634 Community Drive	New Caney	77357

59	Baumlin	Margaret	7726 Greenwood Dr.	Cleveland	77328
60	Bayer	Cindy Jenkins	414 Virgie Community Rd	Magnolia	77354
61	**Beall**	**Jeremy**	**3701 Woodpecker Grove**	**Cleveland**	**77328**
62	**Beall**	**Johnny & Karen**	**3142 Pine Rd.**	**Cleveland**	**77328**
63	**Becker**	**Jeb**	**2367 Apache Bend**	**Willis**	**77378**
64	**Becker**	**Mary**			
65	Beckham	Dustin	9089 Sunset Lane	Montgomery	77316
66	Beers	Thomas	3375 N. Walker Road	Cleveland	77328
	Beers	Thomas	7726 Greenwood Dr.	Cleveland	77328
67	Beggs	Linda L.	18754 Oakridge Dr.	Cleveland	77328
68	**Bell**	**Clifford & Bonnie**	**6219 Glenhill**	**Spring**	**77389**
69	Bell	Dorothy	3393 N. Duck Creek	Cleveland	77328
70	Bell	Glenn	6274 Forest Dr.	Cleveland	77328
71	**Bell**	**Josephine**	**5994 Forest Dr.**	**Cleveland**	**77328**
72	**Bell**	**Richard & Denise**	**7419 Ramblewood Dr.**	**Magnolia**	**77354**
73	**Bell**	**Debbie**	**609 Hill Street**	**Dayton**	**77535**
74	**Bell**	**Jeff**	**609 Hill Street**	**Dayton**	**77535**
75	**Bell**	**Steve**	**609 Hill Street**	**Dayton**	**77535**
76	**Bellini**	**Jason & Kim**	**6683 Pine Shadows Rd.**	**Cleveland**	**77328**
	Bennette	**Morgan**	**2818 Pine Rd.**	**Cleveland**	**77328**
77	**Bengert**	**David L. & Sherri**	**2149 Trey Circle**	**Cleveland**	**77328**
78	Bentley	Alicia	11964 Crystal Creek Road	Conroe	77303
79	Beors	Thomas & Karla	3375 N. Walker Rd.	Cleveland	77328
80	**Berger**	**Corallyn**	**11164 Newton Circle**	**Conroe**	**77303**
81	Berger	Keith	11164 Newton Circle	Conroe	77303
82	Bienels	Daniel	23901 Cicada Circle West	Conroe	77357
83	Bieniek	Mike & Lexy	16874 Old Hwy 105 E	Conroe	77306
84	Bingham	James	5620 Sapp Road	Conroe	77304
85	Bishop	Bruce	18456 Deer Glen West Drive	Conroe	77302
86	**Bishop**	**Charles & Jackie**	**15720 Firewood Dr.**	**Conroe**	**77303**
87	Blackburn	Angela	10081 Hidden Acres	Cleveland	77328
88	**Blackburn**	**Margaret**	**10085 Hidden Acres**	**Cleveland**	**77328**
89	**Blackman**	**W. L. & Betty**	**2061 N Walker Road**	**Cleveland**	**77328**
90	**Blackman**	**Jerry W. & Helen**	**18459 Thomas**	**Cleveland**	**77328**
91	**Blackmon**	**Sandra**	**14100 Kelly Rd.**	**Conroe**	**77303**
92	**Blackmon**	**Terry**	**18190 Dodd Rd.**	**Cleveland**	**77328**
93	Blackmore	Terry	18109 Dodd Rd.	Cleveland	77327
94	Blake	Nicole	9026 S Williams	Conroe	77303
	Blanch	Hope	3300 N. Walker Rd.	Cleveland	77328
95	Blanton	Amy	14423 Brooks Road	Conroe	77302
96	Blanton	Carrie	14423 Brooks Road	Conroe	77302
97	Blanton	Taina	14423 Brooks Road	Conroe	77302
98	Blazek	T.J.	6676 Daw Collins	Cleveland	77328
99	**Boehn**	Wayne **& Magnolia C.**	**11282 Newton Cr. B**	**Conroe**	**77303**
100	Bogert	Fran	218 Bybee	Conroe	77301
101	**Boles**	**Rebecca M.**	**15676 Firewood**	**Conroe**	**77303**
102	**Boles**	**William E.**	**844 Kinsman Rd.**	**Cleveland**	**77328**
103	Bolt	Ed	17432 Calmwater		77356
104	**Bone**	**Randy L & Linda S.**	**11358 Summit**	**Conroe**	**77303**
105	Bonfonti	Thomas & Sarah	7726 Greenwood Dr.	Cleveland	77328
106	**Booth**	**Bonita L.**	**7728 White Rock Rd.**	**Cleveland**	**77327**
107	**Borton**	**Verda**	**596 N Walker Rd.**	**Cleveland**	**77328**
108	**Borunda**	**Victor & Alicia**	**17537 Spanish Oak**	**Conroe**	**77306**
109	Boswell	Kathie	12023 Willis Waukegan	Conroe	77303
110	Boswell	Virginia	27923 FM 2978	Magnolia	77354
111	**Bowers**	**Donald**	**3902 Mark Lane**	**Conroe**	**77303**
112	**Bowers**	**Rodney**	**3902 Mark Lane**	**Conroe**	**77303**
113	**Bowers**	**Richard L.**	**15936 Plaster Cir**	**Cut-n-Shoot**	**77303**
114	Bowman	Joe	22488 Allyson	Magnolia	77354
115	Bracewell	David & Shari	19127 Stillwood	Cleveland	77328
116	Bradberry	Karen	3516 Woodpeckers Grove	Cleveland	77328
117	Branch	Phillip & Hope	3300 N. Walker Rd.	Cleveland	77328
118	Braswell	Bonnie	3593 Brazewell	Cleveland	77328
119	Braswell	Lamar & Wendy	3415 Brazewell Rd.	Cleveland	77328
120	Bratcher	Rachel	7279 Crockett Martin Rd.	Conroe	77306

121	Brecheen	Rickey & Beth	18673 FM 1484	Conroe	77303
122	**Brennan**	**Stephanie A.**	**515 w 30th Street**	**Houston**	**77018**
123	**Brennan**	**Tom**	**844 Kinsman Rd.**	**Cleveland**	**77328**
124	Brewster	John	1427 Hall Place	Houston	77008
125	Briggs	Deborah	700 Pineview Drive	Conroe	77304
126	Brock	Alex	111 Short Street	Shepherd	77371
127	Brockman	John & Zrinka	4188 Falcon Crest Ln.	Cleveland	77328
128	**Brooks Jr.**	**Larry W.**	**10373 Lake Shore Dr.**		
129	Brookshire	Patricia	746 S. Walker	Cleveland	77328
130	Brown	Dennis	3952 Oak Forest	Conroe	77303
131	**Brown**	**Dorothy M**	**11130 Mary Loop/Morgan Cementery**	**Cleveland**	**77327**
132	Brown	Jack & Frieda	11460 Runnels Road	Conroe	77303
133	**Brown**	**Jenni M.**	**17420 FM 1484**	**Conroe**	
	Brown	**John**	**2537**	**Cleveland**	**77328**
134	Brown	Lee	23593 E Old Hwy 105	Cleveland	77328
135	**Brown**	**Pam**	**17420 FM 1484**	**Conroe**	
136	Brown	Raymond O. & Mae	19120 FM 1484	Conroe	77303
137	**Brown**	**Rick L**	**17420 FM 1484**	**Conroe**	
138	**Brown**	**Stephen R. & Lisa S.**	**15845 Franklin Dr.**	**Conroe**	**77303**
139	**Brown**	**Ron & Rhonda**	**15179 Holly Lane**	**Conroe**	
140	**Brown Jr.**	**Ernest & Marie**	**15849 FM 1484**	**Conroe**	**77303**
141	**Bruce**	**Mitchell**	**15941 Miller Rd.**	**Cut-n-Shoot**	**77303**
142	Bryant	Glenn M.	916 N. Walker Rd.	Cleveland	77328
143	**Bryant**	**Tammy**	**14932 Country West Dr.**	**Conroe**	**77302**
144	Bueche	Violet L.	3519 Woodpeckers Grove	Cleveland	77328
145	Buke	John	21775 Carol Road		77357
146	Bunnside	Jean	6491 White Rock Rd.	Cleveland	77328
147	Burke	Watman	7791 Hidden Acres		
148	Burkes	Susan	18990 Stillwood	Cleveland	77328
149	**Burks**	**George & Cheryl J.**	**5992 Forest Dr.**	**Cleveland**	**77328**
150	**Burling**	**Ken & Ginger**	**15451 Ben Wiggins Rd.**	**Conroe**	**77303**
	Steve & Jean	**Burnside**	**6491 White Rock Rd.**	**Cleveland**	**77328**
151	**Bustamante**	**Louiza F.**	**17426 Spanish Oaks**	**Conroe**	**77306**
152	**Buzbee**	**Marie**	**6687 Pine Shadows**	**Cleveland**	**77328**
153	Byrd	James	8627 S. Fork Drive	Conroe	77303
154	**Cabrem**	**Carlos**	**1411 N Roberson**	**Conroe**	**77301**
155	Cadengo	Tracey	14225 Leafy Lane	Conroe	77306
156	Cadwallader	Mark	598 Rolling Hills Rd.	Conroe	77303
157	Cafero	Cary & Linda	16483 Brittany Way	Conroe	77306
158	Calbier	Billy	6020 Sinclair	Montgomery	77316
159	Caldwell	Fred	1770 Acorn Place	Cleveland	77328
160	Caldwell	Robert E	231 I-45 N #2202	Conroe	77304
161	**Callaway**	**Rachel**	**17280 Old Hwy 105**	**Conroe**	**77306**
162	Campbell	David	17542 Greenridge	Conroe	77303
163	Cantu	Ted	16518 Crockett Forest	Conroe	77306
164	Caravella	Gabriell & Deanna	7726 Greenwood Dr.	Cleveland	77328
165	Carle	Stephen	9167 Fostoria Road	Cleveland	77328
166	Carr	David	11792 Holly Drive	Conroe	77303
167	**Carr**	**Sharene**	**15640 Brittney Lane**	**Conroe**	**77303**
168	**Carr**	**Wes**	**15640 Brittney Lane**	**Conroe**	**77303**
169	Carrasco	Tera	24341 Ford Road	Porter	77365
	Carter	Catrina	18371 Old Hwy. 105	Cleveland	77328
170	Cartwright	Dennis	1710 Crysel Rd	Cleveland	77328
171	Cartwright	Shelly	10285 Iron Ore Road	Conroe	77303
172	**Casey**	**Robert & Hayley**	**11239 Clint Parker Road**	**Conroe**	**77303**
173	Cash	Phyllis	12732 Pecan Tree Court	Willis	77318
174	**Castanon**	**Louis & Carol**	**13960 Eden Lane**	**Willis**	**77378**
175	Castleberry	Steven Wayne	1161 California Ave.	Cleveland	77328
176	**Causey**	**Irma R.**	**12154 Michelson Rd.**	**Conroe**	**77303**
177	Cawthon	Kathleen	1276 Pioneer Ln.	Cleveland	77328
178	Cedar	Gary	11707 Longtree Ln.	Conroe	77303
179	**Cemino**	**Phillip C. & Jenise M**	**6442 Pine Shadows**	**Cleveland**	**77328**
180	**Cemino**	**Stephanie**	**6442 Pine Shadows**	**Cleveland**	**77328**
181	**Cervantez**	**Francisco & Yolanda**	**17585 Deer Run**	**Conroe**	**77306**
182	**Ceveuara?**	**Graciela**	**1012 Plum**	**Conroe**	**77301**
183	**Chacon**	**Agustin**	**6383 E. Forest**	**Conroe**	**77306**

184	Chaffer	Chris & Dana	12086 Crocket Martin Rd.	Conroe	77306
185	Chalovpka	Brian	29610 Brownsville Street	Magnolia	77354
186	Chalovpka	Darrell	12243 Taurus Drive	Willis	77318
187	Chambers	Chris	9920 E. Shore Drive	Willis	77318
188	**Chandler**	**Vallye W**	**4607 Woodpeckers Grove**	**Cleveland**	**77328**
189	Chapman	Jo	602 Sycamore Drive	Conroe	77302
190	Chapman	Terry	19163 Meadow Lake Rd.	Cleveland	77328
191	**Cheatham**	**Ann**	**3906 Brazewell Rd.**	**Cleveland**	**77328**
192	Cheesemakers Inc.		2266 S. Walker Rd	Cleveland	77328
	Cherry	Melisa	2895 S. Walker Rd.	Cleveland	77328
193	**Chenault**	**Cynthia**	**17228 FM 1484**	**Conroe**	**77303**
194	Child?	Ricky	15295 Dogwood Lane	Conroe	77302
195	**Christensen**	**Davie E.**	**12851 Walco Hills**	**Willis**	
196	Christiansen	Jason & Barbra	10579 Settlers Crossing	Conroe	77303
197	**Chunn**	**15751 Miller Rd**	**Co**	**77303**	
198	Cisneros	John	212 Lake Shore Drive	Conroe	77304
199	**Clark**	**Paul J. & Pat**	**10425 Greenridge**	**Conroe**	**77303**
200	**Clement**	**John M. & Sue Ellen**	**7748 N. Walker Rd.**	**Cleveland**	**77328**
201	**Closson**	**Stephen**	**11750 White Cedar**	**Willis**	
202	Coats	Randy & Connie	7556 Metts Rd.	Cleveland	77328
203	**Cobler**	**Billy & Myla**	**283 Eastwood**	**Conroe**	**77301**
204	Coburn	Charles & Doris	18753 Hwy 105	Cleveland	77328
205	Coburn	Christy	20833 Old Hwy 105	Cleveland	77328
206	Coburn	William	20849 Old Hwy 105	Cleveland	77328
207	**Cockerham**	**Douglas**	**6200 Forest Dr.**	**Cleveland**	**77328**
208	**Cockerham**	**William**	**P O Box 7837**	**Pasadena**	**77508**
209	**Coker**	**James**	**15951 Magnolia Park**	**Conroe**	**77306**
210	**Coker**	**John W.**	**813 Silverdale**	**Conroe**	
211	Colebank	Becky	11 S. Tallowberry	The Woodlands	77381
212	**Collins**	**Evelyn A**	**7052 Pine Shadows Rd.**	**Cleveland**	**77328**
213	Collins	Floyd & Linda	2925 N. Walker Rd.	Cleveland	77328
214	**Colvin**	**Amy C.**	**14309 S. Pacific**	**Houston**	**77049**
215	Compton	Lee	713 Hildred Ave.	Conroe	77303
216	Contreras	Connie	664 Crockett Martin Road	Conroe	77306
217	Converse	Ronald	179 Rolling Springs	Montgomery	77365
218	Cook	Cynthia	8257 HiddenAcres Dr.	Cleveland	77328
219	Cook	Claudean	9211 Greenwood Dr.	Cleveland	77328
220	**Cooper**	**Jessie M**	**14900 Cooper Lane**	**Conroe**	**77303**
221	**Cormier**	**Brian**	**14453 Cedar Lane Loop**		
222	Cornstodis	Carla	90 Fox Fire Lane	Willis	77378
223	Cosbrey	Scott C. & Teresa B.	325 Bois D' Arc	Conroe	77301
224	Cotton	Carolyn	58 Elm Willow Ct.	The Woodlands	77382
225	Couch	James	16415 Trenda Court	Conroe	77306
226	Couey	Doug	5401 Pine Shadows Rd.	Cleveland	77328
227	Couey	Tami	5401 Pine Shadows Rd.	Cleveland	77328
	Craft Jr.	Donnie	20067 Squire	Cleveland	77328
228	**Craft Jr.**	**Michael**	**15498 Ben Wiggins Rd.**	**Conroe**	**77303**
	Craft Jr.	**Robert Lee**	**401 Pioneer Ln.**	**Cleveland**	**77328**
229	**Cremeans**	**Mark & Stacy**	**217 Wellwood**	**Conroe**	**77304**
	Crist	**George & Cheryl J.**	**19826 Sherwood Dr.**	**Cleveland**	**77328**
230	**Croce**	**Sam**	**13467 Harvest Acres**	**Splendora**	**77372**
231	Crocker	Donald			
232	Crocker	Donald & Linda			
233	Crocker	LeRoy	596 N. Walker Rd.	Cleveland	77328
234	Crofton	Doug & Patricia	3255 Pine Rd.	Cleveland	77328
235	Crouse	John J., Hannah, Lindsey, & P	6391 Hidden Acres Dr.	Cleveland	77328
236	Crowson	William & Diana	16478 FM 2090	Conroe	77306
237	Cruz	Delma	11596 Wood Hollow Drive		77318
238	Cullens	Allen	18061 Hwy. 105	Cleveland	77328
239	Culver	Julie	15505 Tree Monkey	Conroe	77303
240	Cunningham	Dale	18779 Oakridge Dr.	Cleveland	77328
241	d'Agrella	Pat & Elvis	5781 Timothy Ln.	Conroe	77303
242	Dailey	Bruce	15125 Starboard	Willis	77318
243	**Dalton**	**Trey D.**	**2411 Palomino Dr.**	**Conroe**	**77384**

244	Daniels	Jack			
245	Daniels	Mary Ann	8288 Daw Collins	Cleveland	77328
246	Darden	Robert & Karla	22328 FM 149	Montgomery	77356
247	**Daughdrill**	**Stephen**	**1703 Acorn Pl**	**Cleveland**	**77328**
248	**Dauzart**	**David Lynn & Terry**	**6522 Greenwood Dr.**	**Cleveland**	**77328**
249	**Davis**	**Peggy Sue**	**24484 Morgan Cemetery Rd.**	**Cleveland**	**77328**
250	Davis	Trayton	87 W. Honeygrove Place	The Woodlands	77382
251	**Decker**	**Marilee**	**18395 Old Hwy 105**	**Cleveland**	**77328**
252	De Leon	Cruz	658 Crocket Martin Road	Conroe	77306
253	**De Leon**	**Argello** & Esmeralda	**3999 Woodpeckers Grove**	**Cleveland**	**77328**
254	**Delong**	**Roger**	**15318 Holy Ln.**		
255	DeHart	Judy C.	P O Box 20	Cleveland	77328
256	Dellyer	Mabry	35 Blush Hill Dr.		77340
257	**Dempsey**	**David**	**17660 Drowsy Pine Drive**	**Conroe**	**77306**
258	**Deschner**	**David** & Karen	**P O Box 7098**	**Cut-n-Shoot**	**77306**
259	Dess	Gary Garner	13107 Lake Villa Drive	Willis	77318
260	DiRenna	Mark & Monika	8531 N. Walker Rd.	Cleveland	77328
261	Dodd	Chevis	32 N. Pathfinder's Circle	The Woodlands	77381
262	Dodd	Matt	751 Whipporwill Road	Conroe	77303
263	**Dodson**	**Heather**	**159 Crockett Martin N.**	**Conroe**	**77303**
264	Donald	Renee A.	11232 Creek Dr.	Cleveland	77328
265	**Donaldson**	**Sonny**	**P O Box 1865**	**Grangerland**	**77302**
266	**Doran**	**Deborah**	**7735 N. Walker Rd.**	**Cleveland**	**77328**
267	**Dorsey**	**Ivy**	**Box 15461**	**Conroe**	
268	Doss	Durwood	4883 Woodloop	Conroe	77306
269	Doss II	Durwood	706 Little River	Montgomery	77316
270	**Dowden**	**David**	**8010 Adcock Acres**	**Conroe**	**77303**
271	**Dowden**	**L. V. & Barbara**	**8010 Adcock Acres**	**Conroe**	**77303**
272	**Dowden**	**Paul**	**8000 Adcock Acres**	**Conroe**	**77303**
273	Downs	Amy	13404 Piglette Lane	Conroe	77302
274	Doyal	James	811 N Main	Conroe	77301
275	Dudley	Amie	9247 Crockett Rd.	Conroe	77303
276	**Dudley**	**Leroy**	**16126 Tree Monkey**	**Conroe**	**77303**
277	Dudley	Tami	13157 S. Lee Shore Drive		77318
	Dudley	LeRoy	16126 Tree Monkey	Conroe	77303
278	**Dungan**	**Hattie**	**2030 Plantation**	**Conroe**	**77301**
279	Dunn	Greg	16562 East Williams Rd.	Conroe	77303
280	Dunn	Greg	21158 E. Hwy. 105	Cleveland	77328
281	Dunn III	L E "Trey"	10930 Rose Regal Drive	Conroe	77303
282	**Duskin**	**Dean R.**	**17251 Holly Glen Dr.**	**Conroe**	**77306**
283	**Duskin**	**Margarett**	**Greenwood St.**	**Conroe**	**77306**
	Edgell	**Tonya**	**17180 Old Hwy. 105 E**	**Conroe**	**77306**
284	**Edwards**	**Janice**	**15358 Holly Ln.**	**Conroe**	**77303**
285	Edwards	Mary	7839 Hidden Acres	Cleveland	77328
286	Eidem	Richard	11363 Newton Circle	Conroe	77303
287	**Elliff**	**Elisha**	**2443 Westhoff Court**	**Conroe**	**77384**
288	Ellis	Wendy	29007 Portsay	Magnolia	77354
289	**Enloe**	Kenneth **& Cynthia**	**18996 FM 1484**	**Conroe**	**77303**
290	**Ernst**	**James**	**603 S. Rivershire**	**Conroe**	**77304**
291	**Esparza**	**Andy**	**12500 Melville Dr C-224**	**Montgomery**	**77356**
292	Esposito Sr.	Joe	15502 Miller Rd.	Conroe	77303
293	Essmarx?	Kenneth	22242 East Hammond Drive	Porter	77365
294	Eudy	Phil & Karen	15329 Jody Lane	Conroe	77303
295	Evans	Jerry			
296	**Evans**	**Leanna**	**18724 Oak Ridge Dr.**	**Cleveland**	**77328**
297	Evans	Linda	P O Box 26	Conroe	77305
298	**Everitt**	**K. R. & Mary**	**15340 Holly Ln.**	**Conroe**	**77303**
299	Everett	Shawna	15836 Tree Monkey	Cut-n-Shoot	77303
300	Ewing	Tom	P O Box 874	New Caney	77357
301	Eynisse	Phil E.	2118 Rolling Hills Rd.	Conroe	77303
302	Fanning	Frank	4200 Weir Rd.	Cleveland	77328
	Farrugis	Marianne	19202 Meadow Lake Rd.	Cleveland	77328
303	**Faubion**	**Thomas & Candie**	**12176 Hwy 105 E**	**Conroe**	**77306**
304	**Fauek**	**Karen**	**13725 Creighton Rd.**	**Conroe**	**77302**
305	Fay	Tara L.	15457 Ben Wiggins Rd.	Conroe	77303

306	Fendley	Richard W. & Kenita	5945 Pine Shadows Rd.	Cleveland	77328
307	**Ferrer**	**Pat & Janice**	**9605 Adcock Acres**	**Conroe**	**77303**
308	**Ferrer**	**William P.**	**9605 Adcock Acres**	**Conroe**	**77303**
309	Fewell	Phillip & Charlene	8280 South Fork	Conroe	
310	**Fife**	**Brian**	**6485 Pine Shadows Rd.**	**Cleveland**	**77328**
311	**Fife**	**Jon, Sgt. US Army**	**6485 Pine Shadows Rd.**	**Cleveland**	**77328**
312	**Fife**	**Mel**	**6485 Pine Shadows Rd.**	**Cleveland**	**77328**
313	Fincher	Cheryl	P O Box 173	Willis	77378
314	**Finley**	Bobby **& Kayla Renee**	**17745 FM 1484**	**Conroe**	**77303**
	Floyd	R.D.	**20539 Hwy. 105 E**	**Cleveland**	**77328**
315	Follis	Norman W.	11041 Spring Ln.	Cleveland	77328
316	Fontear	Steve	1621 Fostoria Rd.	Cleveland	77328
317	Fontenot	Sharon	900 Rolling Hills Rd.	Conroe	77303
318	Ford	Brandon	15252 Heavenly Acres	Willis	77318
319	Ford	David L.	18611	Cleveland	77328
320	Ford	Richard	20090 Squire Rd.	Cleveland	77328
321	Foreman	Cyndi	12089 LaSalle Br.	Conroe	77304
322	**Fortenberry**	**Alan**	**18720 Oakridge Dr.**	**Cleveland**	**77328**
323	**Foster**	**Lewis & Bonnie**	**18484 Thomas**	**Cleveland**	**77328**
324	**Foster**	**Debra**	**101 Criminal Justice Dr.**	**Conroe**	**77301**
325	Fostor	Matthew & Tanci	15455 Ben Wiggins Rd.	Conroe	77303
326	**Francis Jr.**	**James E.**	**3314 Oak Forest**	**Conroe**	**77303**
327	Frankenfield	Scott & Julia	16265 Rabon Chapel		77316
	Franklin	Kathy	1380 Miller Rd.	Cleveland	77328
328	**Franks**	**William B. & Susan K**	**12156 Crockett Martin**	**Conroe**	**77306**
329	Freeman	Sheila	18604 Carrot	Spring	77379
330	Fry	Rex	24715 Marks Road	Splendora	77372
331	Fuetes	Barry	38 Flo? Court		77385
332	**Fudge**	**Krystle**	**16335 Crockett Crossing**	**Conroe**	**77303**
333	**Fuentes**	**Miguel A.**	**2502 I-45 N #21820**	**Conroe**	**77304**
334	**Fuller**	**Margaret**	**15515 Jody Lane**	**Conroe**	**77303**
335	Gabelman	JoAnne	218 Bybee	Conroe	77301
336	**Gandy**	**Robert & Barbara**	**9131 Adcock Acres**	**Conroe**	**77303**
337	**Garay**	**Rufina**	**17450 Spanish Oak**	**Conroe**	**77306**
338	Garcia	Estaban	512 Lilli	Conroe	77301
339	Garcia	Jennifer	503 North Rivershire	Conroe	77303
340	**Garcia**	**Jesus**	**4051 Wood Peckers Grove**	**Cleveland**	**77328**
341	Garee	Stacey	21704 Village Court	Porter	77365
342	Garrett	Sharan	19828 Lindley Woods	Cleveland	77328
	Garza	Jessica	1380 Miller Rd.	Conroe	77306
343	**Garza**	**Reese & Dana**	**18491 Hwy 105 E**	**Cleveland**	**77328**
344	**Gaylord**	**Sidney**	**14120 Tower Glen Lane**	**Conroe**	**77306**
345	**Gayo ?**	**Lau?**	**17325 Spanish Oak**	**Conroe**	**77306**
346	**Gelston Jr.**	**Earl E.**	**52 Woodland Hills Dr.**	**Conroe**	**77303**
347	George	F P	16513 Leafy Meadow	Conroe	77302
	Gevas	Robby	20164 Sherwood Dr.	Cleveland	77328
348	Ghassel	Dan			
349	**Giblin**	**Rachel**	**142 Orion Lane**	**Conroe**	**77306**
350	**Gibson**	**Norma J.**	**5730 S. Duck Creek Rd.**	**Cleveland**	**77328**
351	**Gibson**	**Vernie J.**	**24484 Morgan Cemetery Rd.**	**Cleveland**	**77328**
352	**Giddings**	**Patricia**	**3575 Mark Lane**	**Conroe**	**77303**
353	Giles	Carrie	4864 Greenwood Dr.	Cleveland	77327
354	**Giles**	**Gisa R.**	**3314 Oak Forest Dr.**	**Conroe**	**77303**
355	Gillon	Carl S.	5444 Jack Spera Way	Cleveland	77328
356	**Goebel**	**Linda L.**	**400 Lilley Yeager LPN**	**Cleveland**	**77328**
357	Golden	Maurcer M	505 Springwood Drive	Conroe	77385
358	Gomez	Jessica	1418 Richmond #2021	Houston	77006
359	**Gonzalez**	**Bonifacio & Juana**	**17641 Hunter Trail**	**Conroe**	**77306**
360	Gonzalez	Cara Jo	11694 Magnolia Bend	Conroe	77302
361	**Gonzalez**	**Gabriela**	**17213 Royal Coach**	**Conroe**	**77306**
362	**Gonzales**	**Jerry & Maria T.**	**15610 Ben Wiggins Rd.**	**Conroe**	**77303**
363	Goodman	Carol	16464 Brittany Way	Conroe	77306
364	Goodson	Bob	P.O. Box 7089	Cut-N-Shoot	77306
365	Goodson	Joy A.	18404 Solomon Rd.	Cleveland	77328
366	Gouell	Kelly	12390 Cricket Lane	Conroe	77303

367	Grantham	William J. & Betty	8523 Pineshadow Rd.	Cleveland	77328
368	Gray	Thomas	23022 Gray Dr.	Cleveland	77328
369	Gregg	Fred & Betty	4530 Weir		
370	Gregory	Deborah	12275 Twin Pines	Conroe	77303
371	Gregory	Ozzie & Norma	3552 N. Oak Forest	Conroe	77303
372	Griffin	Sue	10325 Greenridge Rd.	Conroe	77303
373	Grigg	Randy	8498 Pineshadow	Cleveland	77328
	Grimes	Anita	5458 Greenwood Dr.	Cleveland	77328
374	Grimes Jr.	Billy W. & Nancy J.	10927 Newton Circle Dr.	Conroe	77303
	Grimes	Jennifer	20143 Sherwood Drive	Cleveland	77328
	Grimes	Orval	20143 Sherwood Drive	Cleveland	77328
375	Grimmer	Gayle	101 Castlewood Dr.	Conroe	77306
376	Grinage	Greg & Rachael	1 Emerald Lane	New Waverly	77358
377	Grant	Gabe	291 Scarborough Dr. #615	Conroe	77304
378	Groenhof	Bobbi R.	20001 Meadow Lake Rd.	Cleveland	77328
379	Groenhof	R. P.	20001 Meadow Lake Rd.	Cleveland	77328
380	Gross	Randall	8498 Pine Shadows Rd.	Cleveland	77328
381	Gullette	Brittany	1607 Shady Oaks	Conroe	77301
	Gunn	Julius	5431 Jack Spera Way	Cleveland	77328
382	Guy	Timmy	12426 Carriage Ln.		
383	Guynes	Diane	11059 FM 2432	Conroe	77303
384	Hacker	Ken	28218 Sycamore Court	Magnolia	77355
385	Hague	Ken	2210 Westview #136		
386	Hahn	Eva M.	3579 Mark Lane	Conroe	77303
387	Haiken	John M	14852 Country West Dr	Conroe	77302
388	Hales	Barbara	1968 N Walker Rd.	Cleveland	77328
389	Hales	Clyde W. & Judy	15462 Ben Wiggins	Conroe	77303
390	Hales	Donald J.	1968 N. Walker Rd.	Cleveland	77328
391	Hales	Ernie	15450 Ben Wiggins	Conroe	77303
392	Hales	James	1968 N Walker Rd.	Cleveland	77328
393	Hales	Joe & Bobbie	1968 N. Walker Rd.	Cleveland	77328
394	Hales	Kenneth	18941 Oakridge Dr.	Cleveland	77328
395	Hales	Sheryl	1137 Hales Rd.	Cleveland	77328
396	Hall	Brandon	709 Sadie Ln.		
397	Hall	Denise	16058 Tree Monkey	Conroe	77303
398	Hall	James	10351 Lakeshore Dr.		
399	Hall	Margaret	15249 Holly Lane		
	Hall	John	569 N. Walker Rd.	Cleveland	77328
400	Ham	Dawn	15420 White Oak Lane	Conroe	77303
401	Ham	Jeremy	15236 White Oak Lane	Conroe	77303
402	Ham	Rebecca L.	15236 White Oak Lane	Conroe	77303
403	Ham	Robert	15240 White Oak Lane	Conroe	77303
404	Ham	Sharon E.	15236 White Oak Lane	Conroe	77303
405	Ham Sr.	Bobby J.	15236 White Oak Lane	Conroe	77303
406	Hambrick	Justin	1807 Riley Fuzzel Road	Conroe	77386
407	Hamby	Ann, Anthony, & Joseph	5556 Forest Dr.	Cleveland	77328
408	Hamby	Joseph	7627 Greenwood Dr.	Cleveland	77328
409	Hamby	Kenny L.	3375 N. Walker Road	Cleveland	77328
410	Hamby	Wade	7436 Greenwood	Cleveland	77328
411	Hamilton	Duane & Tracy	18789 Oakridge Dr.	Cleveland	77328
	Hamilton	Justin	24492 SH 105 E	Cleveland	77328
412	Hamilton	Steve	3314 N. Walker Rd.	Cleveland	77328
413	Hamman	Paul	19800 Security Way	Cleveland	77327
414	Hammock	Joan	1001 Stevens	Conroe	77301
415	Hancock	Debbie	10330 Valley Drive S.	Willis	77318
416	Hansen	Bruce & Suzanne	8964 Greenwood Dr.	Cleveland	77328
417	Hapwood	Tammy	465 Bou Dive Ave	Bowling Green KY	42101
418	Harcrow	Janice	16311 Firetower Rd.	Conroe	77306
419	Hardcastle	Tommy	12955 Willis Waukegan Rd.	Conroe	77304
420	Harger	Ed & Patsy	2512 Pioneer Ln.	Cleveland	77328
421	Harlan	Kevin	3610 California Ave.	Cleveland	77328
	Harley	Keegan	7700 N. Walker Rd.	Cleveland	77328
	Harness	Kevin	13368 Tommy Smith Rd.	Conroe	77306
422	Harper	James	308 Kinsman	Cleveland	77328
423	Harrell	M	10751 Darby Loop	Conroe	77385
424	Harris III	Arthur R.	808 Axel	Conroe	77301

425	Harris	Harry	1111 Waukegan Road	Conroe	77306
426	**Harris**	**Ken**	**1011 Beach Air Port**	**Conroe**	**77302**
427	Harris	Roy	P.O. Box 7001	Cut-N-Shoot	77306
428	**Harris**	**Wynne**	**P O Box 905/13776 Henry Harris Rd**	**Conroe**	**77305**
429	Harrison	Kimberly	10305 N. Walker Rd.	Cleveland	77328
430	**Harrison**	**Lana**	**1975 O'Grady**	**Conroe**	**77304**
431	Harrison	Tracey Marie	624 Stonewall Jackson Drive	Conroe	77302
432	**Hartt**	**Mary M Jennings**	**10180 Crockett Martin**	**Conroe**	**77305**
433	Harvey	Rhonda	12060 Twin Pines	Conroe	77303
434	**Hawkins**	**Craig & Lisa**	**15457 Jody Lane**	**Conroe**	**77303**
435	Hawthorne	Linda	1001 Adams Lane	New Waverly	77358
436	Hayes	Bryan	16470 Pisces	Conroe	77306
	Haynes	Alan	11193 Clin Parker	Conroe	77303
437	**Headings**	**Ronald & Laurie**	**4681 Greenwood Drive**	**Cleveland**	**77328**
438	Headrick	Linda			
439	Headwig	Ron & Laurie	4681 Greenwood Drive	Cleveland	77328
440	Heaton?	Brenda & Trey	16600 E Williams	Conroe	77303
	Hecker	Melody	297 S. Walker Rd.	Cleveland	77328
441	**Heil**	**Daniel**	**18953 Oakridge Dr.**	**Cleveland**	**77328**
442	**Heise**	**Michelle**	**1101 Wilson Rd. Apt #306**	**Conroe**	**77301**
443	**Helton**	**Margaret**	**14191 Cedar Lane Loop**	**Willis**	**77378**
444	Henderson	Rod	5147 Forest Dr.	Cleveland	77328
445	Hennessy	Carol	17640 Hwy 105 E	Conroe	77306
446	**Henry**	**April**	**8511 Pine Shadows**	**Cleveland**	**77328**
	Herbert	**H**	**10088 Hidden Acres**	**Cleveland**	**77328**
447	Hernandez	Kathy	15284 Holly Lane	Conroe	77303
448	**Hernandez**	**Maritza E.**	**1112 N. 9th Street**	**Conroe**	**77301**
449	**Hernandez**	**Melanie**	**5458 Greenwood Dr.**	**Cleveland**	**77328**
450	Herrera	Cynthia	16464 Brittany Way	Conroe	77306
451	**Herrin**	**Ray**	**18906 Oak Ridge Dr.**	**Cleveland**	**77328**
452	**Herrin**	**Tony**	**18906 Oakridge Dr.**	**Cleveland**	**77328**
453	**Herring**	**James A.**	**15173 Holly Ln.**	**Conroe**	
	Herrington	**Larry**	**7825 Hidden Acres**	**Cleveland**	**77328**
454	Hessler	Lisa	10632 Champion Village	Conroe	77303
455	**Hickmon**	**Sam & Susan**	**15249 Holly Ln.**	**Conroe**	
456	Hicks	James	1448 Woodbane	Splendora	77372
	Hiesel	Kendra	879-B N. Walker R	Cleveland	77328
457	**Higgins**	**Jamie & Dewana**	**17941 FM 1484**	**Conroe**	**77303**
458	**Hightower**	**Chris**	**9824 Lone Oak**		
459	**Hight**	**Margaret**	**P O Box 1101**	**New Caney**	**77357**
	Hiland	**Robert**	**11245 Ward Rd.**	**Cleveland**	**77328**
460	Hilburn	Gary	2100 Pioneer Ln.	Cleveland	77328
461	Hilfrich	Nick & Kendra	6100 Weir Rd.	Cleveland	77328
462	Hill	Gary & P.	1110 Greenbelt Dr.	Cleveland	77328
463	**Hill**	**Tanya**	**1116 Greenbelt Dr.**	**Cleveland**	**77328**
464	Hinds	Russell & Beverly	10735 Magnolia Drive	Conroe	77303
465	**Hinojosa**	**Ever**	**17518 Shadow Ln.**	**Conroe**	**77306**
466	Hinsen	David	16085 Ather Oaks	Conroe	77301
467	**Hinsley**	**Dorothy**	**13431 Hwy 105 E.**	**Conroe**	**77306**
468	Hobbs	Kristy	4150 Weir Rd.	Cleveland	77328
469	Hodges	Jim	11020 Duinlan W. Lake Dr.	Conroe	77303
470	**Hogan "Craft"**	**Crystal**	**15498 Ben Wiggins Rd.**	**Conroe**	**77303**
471	**Hogan**	**James & Clorinda**	**15498 Ben Wiggins Rd.**	**Conroe**	**77303**
472	**Hogan**	**Jesse L.**	**4001 Pine Rd.**	**Cleveland**	**77328**
	Holy	**Michael**	**5869 East Forest Road**	**Conroe**	**77306**
473	Holliday	Linda	4301 Brazewell	Cleveland	77328
474	Holmberg	Don	1241 Park St.	Cleveland	77328
	Hom	Dennis	17965 Trail End	Conroe	77385
475	Hood	Dwayne & Pam	10933 Newton Circle	Conroe	77303
476	**Hood**	**Hayden D.**	**10933 Newton Circle**	**Conroe**	**77303**
477	**Hood**	**Pamela**	**10933 Newton Circle**	**Conroe**	**77303**
478	Hopson Jr.	Edward & Misty	9150 Hopson Rd.	Cleveland	77328
479	Horton	Charlne?	550 Pine Lake	Montgomery	77316
480	**Hubbard**	**Claudia**	**15412 Jody Lane**	**Conroe**	**77303**
481	**Hudson**	**Dorothy**	**12901 Hwy 105 E.**	**Conroe**	**77306**
482	**Hudson**	**Early**	**12897 Hwy 105 E.**	**Conroe**	**77306**
483	**Hughes**	**Larry**	**13121 FM 1485**	**Conroe**	**77303**

484	Hughbanks	Tiffaney	2061 N. Walker Rd.	Cleveland	77328
485	Huisey	Lizzie	15927 Magnolia Park	Conroe	77306
486	Hunter	Jeff & Stacie	3306 Shadow Crest	Montgomery	77356
487	Hunter	Ralph	3575 Mark Lane	Conroe	77303
	Hurley	Keegan	7700 N.Walker Rd.	Cleveland	77328
488	Hutchinson	John R.	8042 Greenwood Dr.	Cleveland	77328
489	Hyman	Randall & Stephanie	19188 FM 1484	Conroe	77303
490	Hymel	Louis & Patricia	15116 Bart Lake Rd.	Conroe	77303
491	Hymml?	Teresa	297 Mable Street	Conroe	77301
492	Inglet	Toni	14585 Weir Creek	Willis	77318
493	Ireland	Rusty & Esperanza	18873 Oakridge Drive	Cleveland	77328
494	Ireland Jr.	Thornton E.	18873 Oakridge Drive	Cleveland	77328
495	Irwin	Bobbie D.	18670 Parker Rd.	Cleveland	77328
496	Isbell	Donna	3190 Weir Rd.	Cleveland	77328
497	Isbell	Drexel & Lennette	17251 Holly Glen Dr.	Conroe	77306
498	Jackson	Edgar Eugene & Tina	3757 N. Walker Rd.	Cleveland	77328
499	Jacobs	Jesus	658 Crocket Martin Road	Conroe	77303
500	Janosec	Rhonda	15474 Ben Wiggins Rd.	Conroe	77303
501	Jenkins	Thomas V. & Nancy	10 Waterford Court	Conroe	77304
502	Jensen	Tommy	8122 N. Walker	Cleveland	77328
503	Jessip	Louise	737 Holly Springs Drive	Conroe	77302
504	Jimenez	Rachel	120 Ponderosa Trail	Conroe	77301
505	Johnson	Buddy	4798 Crockett Martin	Conroe	
506	Johnq	Chrispen L.	1533 Holly Ln.	Conroe	77303
507	Johnson	Darrell	16746 FM 1484	Conroe	77303
508	Johnson	Don	P O Box 2041	New Caney	77357
509	Johnson	Endreon	17950 FM 1484 Rd.	Conroe	77303
510	Johnson	George	19890 FM 1314	Porter	77357
	Johnson	Jamie & Dewana	13368 Tommy Smith Rd.	Cleveland	77328
511	Johnson	Jolene	15284 White Oak	Conroe	77303
512	Johnson	Phillip	5425 Trenton Ln.	Conroe	77303
513	Johnson	Ravis	4798 Crockett Martin	Conroe	77306
	Johnson	Stanley	539 Kinsman	Cleveland	77328
514	Johnson	Raymond	1690 O'Daniel Ln.	Conroe	77301
515	Johnson	Steven	1200 N Loop 336 W #426	Conroe	77301
516	Johnston	Dottie	289 Mesa View	Montgomery	77356
517	Jones	Allen	15283 Holly Ln.	Conroe	77303
518	Jones	Christine	15305 Holly Ln.	Conroe	77303
519	Jones	Dorene	1181 N. Walker Rd.	Cleveland	77328
520	Jones	Janet	101 Elkins Lake	Huntsville	77340
521	Jones	John E.	Box 15283 Holly Ln.	Conroe	77303
522	Jones	Laura	792 N. Walker Rd.	Cleveland	77328
523	Jones	Mark M.	291 Magnolia Rd.	Cleveland	77328
524	Jones	Virginia	15283 Holly Ln.	Conroe	77303
525	Jordan	John E.	12442 Milroy Ln.	Conroe	77301
526	Jordan	Kenneth	681 Tavarcek Rd.		
527	Jorgensen	Brenda S.	18100 Hwy 105 East	Cleveland	77328
	Karstedt	Kimberly	18926 S. Hwy. 105	Cleveland	77328
528	Kay	Marty & Rene	14853 Boyd Lane	Cut-n-Shoot	77306
529	Keener	Anthony	7385 Adcock Acres	Conroe	77303
530	Keener	Dalva	13877 FM 1097 E.	Willis	77378
531	Keener	Darla	7385 Adcock Acres	Conroe	77303
532	Keener	Donald	7385 Adcock Acres	Conroe	77303
533	Keener	Dustin	7385 Adcock Acres	Conroe	77303
534	Kellidorf	Sandy	Hwy 105		
535	Kelley	Bryan	105 Oak Hollow	Conroe	77301
536	Kelley	Morgan	105 Oak Hollow	Conroe	77301
537	Kelly	Louise	2928 W. Geronimo Trail	Cleveland	77328
	Kelly	Stephanie	20276 Meadow Lake	Cleveland	77328
538	Keltch	Mart & Patty	7409 Adcock Acres	Conroe	77303
539	Kendrick	Devan	15511 Tree Monkey	Conroe	77303

540	Kendrick	Sharon	15511 Tree Monkey	Conroe	77303
541	Kendrick	Vincent Scott	15511 Tree Monkey	Conroe	77303
542	**Kennedy**	**Larry P.** & Marilyn	**1625 Acorn Place**	**Cleveland**	**77328**
543	Kennedy	Martin	11825 Gagitlarius East	Willis	77318
544	Kern	Kara	2325 Cobblecreek Drive	Conroe	77384
545	Kerr	William D.	P.O. Box 7061	Cut-N-Shoot	77306
546	**Killebrew**	**Wayne**	**3556 N. Oak Forest Drive**	**Conroe**	**77303**
547	**King**	**Malia**	**2791 N. Walker Rd.**	**Cleveland**	**77328**
548	Kinhult	Carolyn L.	3515 Woodpeckers Grove	Cleveland	77328
549	Kirk	Zachary C. & Jennifer	2407 N Thompson	Conroe	77303
550	**Kirkland**	**Laurie**	**18986 FM 1484**	**Conroe**	**77303**
551	**Kirves**	**Mary Lou**	**12056 FM 830**	**Willis**	**77318**
	Kitchen	**Ashley**	**15011 Willis Waukegan**	**Conroe**	**77303**
552	**Kitchens**	**Randy**	**15013 Willis Waukegan Rd**	**Conroe**	**77304**
553	Klawitter	Kira	7726 Greenwood Dr.	Cleveland	77328
554	Kloe?el	Mike & Nancy	879 N. Walker Rd.	Cleveland	77328
555	Knight	Jennifer	23502 Charter Wood	Splendora	77372
556	Kocurek	Jenna	1588 N. Walker Rd.	Cleveland	77328
557	Kooi	Angela	3856 Reaves Rd.	Cleveland	77328
558	Koska	Susan	31611 Terri	Magnolia	77355
559	Kremer	Ruby Kraut	9610 W. Shore Drive	Willis	77318
560	Kurtz	Tracey	94 South Shirley	Willis	77378
561	**Kwiatkowski**	**Christie**	**12978 Browder Traylor Rd.**	**Willis**	**77378**
562	**Kwiatkowski**	**Kenneth L.**	**7338 Crockett Martin Rd.**	**Conroe**	**77306**
563	Kyle	Angela	4125 Brazewell		77328
564	La Roucha?	Darlena?	73020 ?	Willis	77375
565	Labian	Sharon	4200 Weir Rd.	Cleveland	77328
566	Lambdin	Tamra	13319 Bluff View Drive	Willis	77318
567	**Lambert**	**Mattie L.**	**15348 Jody Lane**	**Conroe**	**77303**
568	**Lambery**	**Stanley**	**844 Kinsman Rd.**	**Cleveland**	**77328**
569	**Lamendola**	**Jim & Susan**	**7041 Pine Shadows Rd.**	**Cleveland**	**77328**
570	Landrus	Erul	196 Muscovy Trail		77351
	Lapp	Sharon	2613 Pioneer Ln	Cleveland	77328
571	Latz	Jason & Judi	18757 Oakridge Dr.	Cleveland	77328
572	**Launius**	**Howard**	**17428 FM 1484**	**Conroe**	**77303**
573	**Lawson**	**Everette**	**P O Box 398**	**Cleveland**	**77326**
574	Lawson	Kevin & Melanie	888 Kelly Road	Conroe	77303
575	Leal	Lee & Tina	18788 Oak Ridge Dr.	Cleveland	77328
576	**Leal**	**Librado**	**18788 Oak Ridge Dr.**	**Cleveland**	**77328**
577	Leatherwood	David & Angela	2547 N. Walker Rd.	Cleveland	77328
578	Leatherwood II	David & Victoria	2551 N. Walker Rd.	Cleveland	77328
579	LeBlanc	Sherry	24621 Cochran	Porter	77365
580	Lee	Anita	11836 Mockingbird Hill	Conroe	77303
	Lee	Leona	7719 N. Walker Rd.	Cleveland	77328
581	**Legg**	**Sheila**	**541 Trail End**	**Cleveland**	**77328**
582	Leggett	Joe	17582 HWY 105 E.	Conroe	77306
583	Lehman	Mark	2373 Crockett Martin Road	Conroe	77306
584	Lehman	Sandy	26967 E River road	Splendora	77372
585	Leija	Dora & Isadel	5325 E. Forest Rd.	Deerwood Sub.	77306
586	**LeMaire**	**Randell**	**18190 Dodd Rd.**	**Cleveland**	**77328**
587	**LeMaster**	**Michael & Bright**	**9413 Greenwood Dr.**	**Cleveland**	**77328**
588	**Lewellen**	**Robert**	**705 N. Rivershire**	**Conroe**	**77304**
589	**Lewis**	**Leonard R. & Elsie**	**400 Maple Ln**	**Conroe**	**77304**
590	Lewis	Henry E.	1281 Hales Rd.	Cleveland	77328
591	Lewis	Raymond	1002 Apache		77316
592	Lightfoot	Charles	10982 Turtlecreek Way		77355
593	Limbaugh	Jill	2527 Allison		77355
594	Lindsey	Phillip	1640 N. Walker Rd.	Cleveland	77328
595	**Little**	**Patricia**	**10377 S. Williams Road**	**Conroe**	**77303**
596	**Littlefair**	**Joey**	**1202 N Roberson**	**Conroe**	**77301**
597	**Littleford**	**Tommy**	**17251 Holly Glen Dr.**	**Conroe**	**77306**
598	Logan	Melody	3310 N. Walker Rd.	Cleveland	77328
599	Lohr	Penny T.	2021 Plantation Dr. #1108	Conroe	77301
600	Longmire	George R	118 Hiwon Drive	Conroe	77304
601	Longmire	John	9159 Crystal Spring	Conroe	77303
602	Loosier	Donald	119 Red Oak	Conroe	77304
603	**Lopez**	**Jose**	**17450 Spanish Oak**	**Conroe**	**77306**

604	**Love**	**Johnny**	**16588 RiverRanch Dr.**		
605	**Loveless**	**Joyce**	**12772 Hwy 105 E**	**Conroe**	**77305**
606	Lowe	Cotton	934 Miller	Cleveland	77328
607	Lucas	James A	21480 Hwy. 105 E	Cleveland	77327
608	**Ludwig**	**Christine**	**18085 Old Hwy. 105**	**Cleveland**	**77328**
609	Ludwig Jr.	David & Kimberly	18083 E. Old Hwy. 105	Cleveland	77328
610	**Lukasheay Jr.**	**Billy & Melissa**	**15242 Holly Ln**	**Conroe**	**77303**
611	**Lukasheay**	**Johnnie F.**	**5975 Forest W. Road**	**Conroe**	**77306**
612	**Lukasheay**	**Pat**	**15365 Holly Ln**	**Conroe**	**77303**
613	Luker	Richard A.	1270 Greenbelt Dr.	Cleveland	77328
614	Luton	Jim & Stella	17234 Hwy. 105 E.	Conroe	77304
615	Lynch	Cody	4171 Lynch Rd.	Cleveland	77328
616	**Lynch**	**Mary E.**	**4155 Lynch Rd.**	**Cleveland**	**77328**
617	Lyons	Brandi	7735 N. Walker Rd.	Cleveland	77328
618	Machen	Thomas & Susie	15 Royal Dalton Circle	Conroe	77304
	Makelvy	Bethany	3251 Pine Road	Cleveland	77328
619	Mackey	Brenda L.	14580 Enchanted Waters	Willis	77318
620	Maddox	Mark	1025 SH 150		77358
621	Maddox	Sharon	12542 Sagittarius		77318
622	**Maffett**	**Ron & Nonnie**	**8876 N. Walker Rd.**	**Cleveland**	**77328**
623	Maffett	Jennifer L.	1501 Greenbelt Dr.	Cleveland	77328-0126
624	Majeux	Travis	2547 N. Walker Rd.	Cleveland	77328
	Mallett	Cynthia	3555 Miller Rd.	Cleveland	77328
625	Mangurn	Raileen	16109 Sun View Lane	Conroe	77302
626	**Mann**	**Paula J.**	**20827 Kennan Cut Off**	**Montgomery**	**77316**
627	Mann	Terry L	2995 Mann Road	Conroe	77303
628	Manzella	Kenneth	9701 Forstoria Road	Splendora	77338
629	**Mapston**	**Donald** & Carla	**4421 Jeanette Lane**	**Conroe**	**77303**
630	Mapston	Doug & Jeanne	15828 Firewood Drive	Conroe	77303
631	**Marguardt**	**Linda J.**	**13304 Old Texaco Camp Rd.**	**Conroe**	**77302**
632	Mart?	Russell	1706 Rebecca Lane	Conroe	77301
633	Martin	Wendy			
	Martinez	Francisco	Oak Ridge Dr.	Cleveland	77328
634	Martinez	Jennifer	211 Indian Falls N	Montgomery	77316
635	**Matheny**	**Mark** & Heather	**8396 Adcook Acres**	**Conroe**	**77303**
636	Mathews	Susan	390 FM 3083	Conroe	77301
637	Matthews Jr.	Bobby & Patsy	4990 Greenwood Dr.	Cleveland	77328-9402
638	Mayeux	Barbara	12256 Metts Rd.	Conroe	77303
639	**Mayeux**	Matt **& Barbara**	**2547 N. Walker Rd.**	**Cleveland**	**77328**
640	Mayeux	Travis	2547 N. Walker Rd.	Cleveland	77328
641	Mazingo	William	Old 105 East	Conroe	77306
642	McCarty	James	7477 Greenwood Dr.	Cleveland	77328
	McCaslin	Don, Meghan, Maggie	328 N. Walker Rd.	Cleveland	77328
643	**McClelland**	**Amber**	**541 Trails End**	**Cleveland**	**77328**
644	**McClelland**	**Ashley**	**541 Trails End**	**Cleveland**	**77328**
645	McClintock	Mike	16862 Peach Creek	Conroe	77303
646	**McCloy**	**Lisa**	**15378 Jody Lane**	**Conroe**	**77303**
647	McCray	Wanda Laynette	763 Jeffcote Road	Conroe	77303
648	McCriel?	Dennis	115 Bent Tree		77356
649	McCully	Jan	17234 Drowsy Pine	Cut-N-Shoot	77306
650	McCune	Matt	5076 Greenwood Dr.	Cleveland	77328
651	**McDaniel**	**Johnny R.**	**15349 Holly Ln**	**Conroe**	**77303**
652	McDonald	Jeff	15295 Ben Wiggins Rd.	Conroe	77303
653	**McDonald**	**Pearl**	**20065 Sherwood Dr.**	**Cleveland**	**77328**
654	**McElroy**	**Christopher T.**	**1000 Gladstell #1106**	**Conroe**	**77304**
655	**McGee**	**Pattie**	**18906 Oak Ridge Dr.**	**Cleveland**	**77328**
656	**McGilvrey**	**Mike**	**680 Woodridge**	**Conroe**	**77303**
657	**McGinty**	**Patrick** & Pam	**9650 Adcock Acres**	**Conroe**	**77303**
658	McGuine	Louis & Betty	P O Box 414	Conroe	77305
659	McHenry	April	24632 Hwy 105	Cleveland	77328
	McIntosh	Rachel	7825 Hidden Acres	Cleveland	77328
660	McKay	Michael	1081 Seth Blvd	Cleveland	77328
661	McKelvy	Bethany	3251 Pine Road	Cleveland	77328

662	McKenzie	Philip & Cindy	10972 Newton Circle	Conroe	77303
663	McKinney	Jeff L.	9510 S. Williams Rd.	Conroe	77303
664	**McLeane**	**Barbara**	**5076 Greenwood Dr.**	**Cleveland**	**77328**
665	McLeane	Matt & Esmeralda	5076 Greenwood Dr.	Cleveland	77328
666	McMillan	Stephanie	26388 Coleman Drive	Splendora	77372
667	McMullen	Amy	15287 Jody Lane	Conroe	77303
668	**McNabb**	**Dennis**	**3156 Rolling Hills Rd.**	**Conroe**	**77303**
669	McNelley	Joe	15198 Bart Lake Rd.	Conroe	77303
670	McQueen	David C.	11286 Clint Parker Rd.	Conroe	77303-3102
671	McShan	Amanda	15624 East Williams	Conroe	77303
672	McWhirter	Ronald	19236 Hwy. 105	Cleveland	77305
673	McWilliams	Russell	P O Box 8076	Grangerland	77302
674	Meador	Tret	3710 Buther Road	Conroe	77301
675	**Meche**	**Barbara**	**602 Airline Dr.**	**Conroe**	**77301**
676	Medford	Ma?	28218 Sycamore Court	Magnolia	77355
677	**Medinilla**	**Aida**	**11282 Newton Circle "A"**	**Conroe**	**77303**
678	**Medrano**	**Monique E.**	**501 Aranda Lane**	**Cleveland**	**77328**
	Meeks	**Floyd M.**	**4310 Brazewell**	**Cleveland**	**77328**
679	Menard	Albert & Linda	12008 Cedar Lane	Conroe	77303
	Mendez	Brandy	3516 Woodpeckers Grove	Cleveland	77328
680	Mendiola III	Andy & Brenda	9686 Adcock Acres	Conroe	77303
681	Mendiola Jr.	Andres, Jennifer, & Grace	9694 Adcock Acres	Conroe	77303
682	**Mendoza**	**Janice**	**3857 Wonda**	**Conroe**	**77303**
683	Merimon	Josh	108 Peggy Lane	Willis	77378
684	Merrell	Diana	800 Bellshire Drive Apt #325	Conroe	77301
685	Meuth	Kenneth R.	9211 Greenwood Dr.	Cleveland	77328
686	Middel-Urby	Amanda	648 Bellingrath Park	Conroe	77302
687	Mikolon	Guy	3694 Woodpeckers Grove	Cleveland	77328
688	Miles	J	20419 Sunny Shores	Humble	77346
689	Millard	Terry G. & Sharon	18870 Oakridge Dr.	Cleveland	77328
	Miller	Marie	7436 Greenwood	Cleveland	77328
690	**Miller**	**Joe**	**14 Rockridge Dr.**	**The Woodlands**	**77381**
691	Miller	Macie	7436 Greenwood	Cleveland	77328
692	Miller	Morris	10975 Hillcrest	Conroe	77303
693	Miller	S	20419 Sunny Shores	Humble	77346
694	**Miller**	**Stefanie**	**15941 Miller Rd.**	**Cut-N-Shoot**	**77303**
695	Miller	Tom	127 Kellynoaks Dr.	Conroe	77303
696	Mills	Becky	20011 Old Hwy. 105	Cleveland	77328
697	**Miramoatez**	**Miria**	**17379 Hunters Trail**	**Conroe**	**77306**
698	**Mize**	**Dan**	**202 Norma Ln.**	**Cleveland**	**77328**
	Mize	**Eddy**	**16620 Stonecrest Dr.**	**Conroe**	**77302**
699	Moffet	Randy	18436 Hwy. 105 E.	Cleveland	77328
700	Molina	Arguimiro	18892 Oakridge Dr.	Cleveland	77328
701	Montgomery	Kellie	11358 Glenforest Drive		77356
702	Moon	Terry & Cindy	20061 Sherwood Drive	Cleveland	77328
703	**Moore**	**Pauline**	**15232 Holly Ln**	**Conroe**	**77303**
704	Moore	Phillip D. & Tammy	8761 Hidden Acres	Cleveland	77328
705	**Moore**	**Shirley N.**	**2817 Jeffcote Rd.**	**Conroe**	
706	**Moneno**	**Guillermo**	**3446 S. Pine Bark**		
707	**Moreno Jr.**	**Marcelino & Sandra**	**5950 W. Forest**	**Conroe**	**77306**
708	**Morgan**	**B. K. & Linda**	**10325 Green Ridge Rd.**	**Conroe**	**77303**
709	Morgan	Robert	2325 Cobblecreek Drive	Conroe	77384
710	Morris	Bobby & Edla May	3931 Pine Rd.	Cleveland	77328
711	Morris	Michael	3931 Pine Rd.	Cleveland	77328
712	Morrow	Karen	18772 Oakridge Dr.	Cleveland	77328
713	Morse	Glenda	2353 Pine Rd.	Cleveland	77328
714	Morse	Vickie	17424 FM 1484	Conroe	77303
715	**Mortez**	**Mania Mina**	**17379 Hunters Trail**	**Conroe**	**77306**
	Mosley	**William A**	**19440 Meadow Lake Rd.**	**Cleveland**	**77328**
716	Mowroy	Juan	16411 Crockett Bend	Conroe	77303
717	**Mudd**	**Kay Bell**	**1822 County Rd 64**	**Iowa Colony, TX**	**77583**
718	Mulinnix	Ronny	283 Adobe Terrace		77316
719	**Mullinax**	**Richard & Patty B.**	**5998 Forest Dr.**	**Cleveland**	**77328**
720	**Mulock**	**Andrew & Melinda**	**15232 Holly Ln**	**Conroe**	**77303**
721	Multop	Mark & Betty	5100 Weir Road	Cleveland	77328
722	Murphy	Chauncey & Alisa	3513 Woodpeckers Gr.	Cleveland	77328
723	**Murphy**	**Anita**	**2020 Northampton**	**Conroe**	**77303**
724	Murrell	Susan	27950 Waller Sp Road	Waller	77484
725	**Musachio**	**Janet**	**12536 Royal West Dr.**	**Conroe**	**77303**

726	Myers	Donald & Doris	17963 Dogwood	Conroe	77303
727	Myers	Gordon	3757 1/2 Walker Rd.	Conroe	77303
728	Myers	Kevin	15072 East Road	Conroe	77302
729	Myia	Maria	1834 S. Third St.	Conroe	77340
730	Nalty	Mark	1600 Riverpointe	Conroe	77304
731	Nance	Celeste	1 Dover Lane	Conroe	77304
-	Navas	Avreliano	1715 Ashley Circle	Cleveland	77328
732	Neal	Bryan & Lisa	15054 FM 1484	Conroe	77303
733	Neal	Crystal	18205 Old Hwy 105 E.	Cleveland	77327
734	Neal	David & Deborah	6185 Forest Dr.	Cleveland	77328
735	Neal	Tiffany	18444 Soloman Road	Cleveland	77328
736	Neeley	John & Amy	20483 Old Hwy. 105	Cleveland	77328
737	Neitzel	Thomas L.	5 Wellington Lane	Conroe	77304
738	Nelson	Albert & Shelia	2791 N. Walker Rd.	Cleveland	77328
739	Nelson	Ellen	7382 Traylor Lane	Conroe	77303
740	Nelson	Sharon P	7382 Traylor Lane	Conroe	77303
741	Newton	James Andrew	14077 Bazelle Ln	Willis	77318
742	Newton	Ruben Ed & Donda	P.O. Box 2084	New Caney	77357
743	Nichol	Charles T.	19602 Cearley	Cleveland	77328
744	Nichols	Beverly	2436 Weir Rd.	Cleveland	77328
745	Nichols	James	5692 Nebraska Rd.	Cleveland	77328
746	Nicols	Bob	North Walker Rd.	Cleveland	77328
747	Noble	George & Deborah	1777 Acorn Place	Cleveland	77328
748	Noble	Paula	3409 Druid	Montgomery	77356
749	Nolan	Bianea	514 Mable	Conroe	77301
750	Norman	Leslie K.	16369 Crockett Crossing	Conroe	77303
	Norris	F. B.	1636 Miller Rd.	Cleveland	77328
751	Norris	Stephen	17180 Old Hwy 105 E	Conroe	77303
752	Novakosky	Bobby L. & Julia	18724 Oak Ridge Dr.	Cleveland	77328
753	Nugent	Dianne	13784 Creighton Road	Conroe	77302
754	O'Briant	Glyn	13808 Lyric Road	Conroe	77302
755	O'Dell	Doris	1000 Gladstell Rd # 711	Conroe	77304
756	Oden	Cindy	10310 Timber Switch	Cleveland	77328
757	O'Farrell	Glenda	18039 Old Hwy 105	Cleveland	77328
758	Ogilvie	Monica	10131 White Rock Road	Conroe	77306
759	Oliphant	Jason	17425 FM 1484	Conroe	77303
760	O'Mailey	Dennis, Mary, & Matt	8511 Pine Shadows	Cleveland	77328
761	O'Neal	Deborah	6185 Forest Dr.	Cleveland	77328
762	O'Neil	Dennis E.	4298 Pine Rd.	Cleveland	77328
763	O'Neil	Edward & Leda	19273 Meadow Lake	Cleveland	77328
764	O'Neil	Marigrace	1640 N. Walker Rd.	Cleveland	77328
765	O'Neil	Trudilee	1588 N. Walker Rd.	Cleveland	77328
766	Orsack	Marvin & Debbie	6197 Forest Dr.	Cleveland	77328
767	Ortega	Hilaria	18676 Oakridge Dr.	Cleveland	77328
768	Ortega	Richard	18676 Oakridge Dr.	Cleveland	77328
769	Ortega	Samantha	18676 Oakridge Dr.	Cleveland	77328
770	O'Toole	Judith	19524 Meadow Lake Rd.	Cleveland	77328
771	Ottaga	John	2013 N. Thapl	Conroe	77301
772	Otto	Travis & Jeannie			
773	Overton	Ray	3801 Mark Lane	Conroe	77303
774	Padgett	Bobby & Margaret	4823 Timothy	Conroe	
775	Padgett	Sherry	20806 Red Oak Dr.	Cleveland	77328
776	Page	Mary S	P O Box 7007	Cut-n-Shoot	77306
777	Palmer	Mike	4343 Hill Forest	Kingwood	77345
778	Parker	Michael W & Melinda	921 Brown Road	Willis	77378
779	Parmer	George & Betty	204 Bedford	Conroe	77303
780	Parshall	Adelle	3383 Brazewell	Cleveland	77328
781	Parsley	Ric	9701 Lantern Creek		
782	Pate	Clara Mae	6852 White Rock Rd.	Cleveland	77328
783	Patterson	Avery & Mariann	1709 Carol Lee Lane	Conroe	77301
	Patteson	Shane	5374 Forest Dr.	Cleveland	77328
	Peck	Jeff & Cherie	7575 White Rock	Cleveland	77328
784	Pemberton	C.L.	22502 Hwy. 105	Cleveland	77328
	Pepper	January	18517 S.H. 105 I	Cleveland	77328
785	Perdue	Melanie	580 Brown Road		77378

786	Perez	Glady	16520 Crockett Forest	Conroe	77306
787	Perry	Christopher T.	792 N Walker Rd.	Cleveland	77328
788	Peterson	Joyce	527 Alana Ln	Spring	77386
789	Petty Jr	William	20865 Barbara Lane	Montgomery	77356
790	Phillips	Mary S	1679 Acorn Pl	Cleveland	77328
791	Phillips	Robert & Linda	9775 Whispering Pines Cemetery Rd.	Conroe	77303
792	Phillips	Scott	20341 Shelia	Cleveland	77328
793	Pickering	Billy & Deborah	15458 Tree Monkey Rd.	Conroe	77303
794	Pickering	Joel	15458 Tree Monkey Rd.	Conroe	77303
795	Pickering	Roxanne	15458 Tree Monkey Rd.	Conroe	77303
796	Pierce	Barney B	5975 West Forest Dr	Conroe	77306
797	Pigott	Neal & Lupita	510 South Bender	Humble	77338
798	Pigott Jr	Lance	510 South Bender	Humble	77338
799	Pilkington	Richard & Fay	10799 White Rock	Conroe	77306
800	Pinkston	Darrel	20000 Meadow Lake	Cleveland	77328
801	Pittman	Sefronia	7991 Greenwood Dr.	Cleveland	77328
802	Pizzo	Lannie Kay	3375 N. Walker Rd.	Cleveland	77328
803	Plank	Mark E.	16140 Creighton Rd	Conroe	77306
804	Plaster	Homer R. & Catherin M.	7838 Hidden Acres	Cleveland	77328
	Plaster	Shawn	7825 Hidden Acres	Cleveland	77328
805	Plullysn?	Claudia	1600 Riverpointe	Conroe	77304
806	Plummer	Ricky	7048 Pine Shadows Dr.	Cleveland	77328
807	Poole	Greg	211 Virginia Lane	Conroe	77304
808	Poole	Thomas G. & Gwyneth	5988 Forest Dr.	Cleveland	77328
809	Porrovecchio	Melanie	549 FM 3083	Conroe	77301
810	Porter	Shyla	2353 Pine Rd.	Cleveland	77328
	Porter	Tiffany	19192 Meadow Lake Rd.	Cleveland	77328
811	Postel	Alex G. Jr.	17420 Royal Coach	Conroe	77306
812	Powell	Charles R., Susan, & Kristy	8086 Adcock Acres	Conroe	77303
813	Powell	Eric	1000 Gladstell Rd # 703	Conroe	77304
814	Prater	Jackie			
	Price	Leonard	2365 W. Geronimo Trl	Cleveland	77328
815	Pue	Susan	15321 Jody Lane	Conroe	77303
816	Pulg	Michelle	3706 Ave O	Galveston	77550
817	Puzseu?	Clifton	19204 Cearley	Cleveland	77328
	Putman	Connie	19841 Old Hwy. 105	Cleveland	77328
818	Pyle	Royce	3856 Reaves Rd.	Cleveland	77328
819	Pzyleorski	Sigmond	1919 Crystal Forest Dr.	Conroe	77306
820	Quinn	William C.	3032 Meadar Lane	Conroe	77303
821	Rabon	Nita	18765 Oakridge Dr.	Cleveland	77328
822	Rains	Larry & Sue	5800 Pine Shadows	Cleveland	77328
823	Ramirez	Gerald	7433 Crockett Martin Road	Conroe	
824	Ramirez	Raquel	2433 Crocket Martin Rd	Conroe	77306
825	Ramirez	Tomas & Gregoria	2433 Crocket Martin Rd	Conroe	77306
826	Ramirez	Luciano	3808 Woodpecker Lane	Cleveland	77327
827	Rancher	Larry & Jessica	14824 Rosebud Lane	Conroe	77303
828	Randow	David	19731 Meadow Lake	Cleveland	77328
	Ratcliff	Beau	1321 Pioneer Ln.	Cleveland	77328
829	Real	Bobby & Diana	? Weaver	Conroe	
830	Reaves	Jason	6541 Hidden Acres.Dr.	Cleveland	77328
831	Reece	Kevin	91 Reece Ln.	Huntsville	77340
832	Reich	Paul D.	19164 Oakridge Dr.	Cleveland	77328
833	Reid	Jeanette	723 N. Walker Rd.	Cleveland	77328
834	Reimar	Kyle	18330 Old Hwy 105	Cleveland	77328
835	Relander	Sandy	3521 Woodpeckers Grove	Cleveland	77328
836	Rendon	David	19731 Meadowlake	Cleveland	77328
837	Reneau	Link	10173 Tree Monkey Rd.	Conroe	77303
838	Renteria	Nora	17420 Royal Coach	Conroe	77306
839	Reyes	Jose A.	403 Longmire Rd. #137	Conroe	77304
840	Reyna	Clelia	520 Turner	Conroe	77301
	Rice	Janey	2426 Crockett Martin	Conroe	77306
841	Rice	Julie	12150 Lasalle Oaks	Conroe	77304
842	Richardson	Anthony & Wendy	3556 B Oak Forest	Conroe	77303
843	Richmond	Charles & Diana	5402 Pine Shadows	Cleveland	77328
844	Rickman	Laura	16464 Brittany Way	Conroe	77306
845	Rideout	David & Barbara	6952 N. Walker Rd.	Cleveland	77328
846	Rider	Mark	119 Harlin ?		77356

847	Riggins	Larry & Clara	16604 Highline Blvd	Conroe	77306
848	Rinehart	Ed	P O Box 84	New Caney	77357
849	Rios	Priscilla	8227 Willow Path	Tomball	77375
850	Ritter	Ermajean	12995 Hwy 105 East	Conroe	77306
	Rmz	Carlos	Oakridge Dr.	Cleveland	77328
851	Roberts	Michael H.	14836 County Line Rd.	Willis	77386
852	Robertson	Judy	2819 Apache	Montgomery	77316
853	Robinson	Scotty	15733 1st Street	Splendora	77372
854	Robinson	Thomas & Karen S.	20277 Fieldtree Dr.	Humble	77338
	Roberds	Rebecca	3086 Woodpeckers Grove	Cleveland	77328
855	Robledo	Maria D.	17529 Hunters Trail	Conroe	77306
856	Robles	Carla	3375 N. Walker Rd.	Cleveland	77328
857	Rodriguz	Elvia	17481 Hunters Trail	Conroe	77306
858	Roelle	David R. & Rebecca A.	12945 Willis Waukegan	Conroe	77303
859	Rogers	Eddie & Agnes	7480 Adcock Acres	Conroe	77303
860	Rogers	Shelly	1104 N. 7th Street	Conroe	77301
861	Rogganbuck	Jim	7512 Wetzel	Houston	77573
862	Roost	Dolores	18770 Oakridge Dr.	Cleveland	77328
863	Romig	Tom & Joyce	20511 Landshire	Humble	77338
864	Rosales	Daniel & Mary	16475 Crocket Forest Dr.	Conroe	77306
865	Rosales	Fernando & Elizabeth E.	16444 Crockett Forest Dr.	Conroe	77306
866	Rosales	Pedro & Refugia	16471 Crockett Forest Dr.	Conroe	77306
867	Rosas	Hector & Victoria	4500 W. Forest Rd.	Conroe	77306
868	Rose	Gina	8943 Forest Lake Drive	Montgomery	77316
869	Rose	Jerri	702 Boston Circle	Cleveland	77328
870	Rothe	Johnny	15316 Capitol Hill	Montgomery	77316
871	Rozman	Joe & Tina	15363 Jody Lane	Conroe	77303
872	Rushing	Brenda L.	18754 Oakridge Dr.	Cleveland	77328
873	Russell	John	111 S Delmont	Conroe	77305
874	Rutherford	D W	19208 Stillwood	Cleveland	77328
875	Safford	John L	P O Box 7388	Cut-n-Shoot	77306
876	Sain	Scott	11502 Ward		
877	Salazar	Roberto & Muria	5896 W. Forest Dr.	Conroe	77306
878	Salcedo	Isaac	5235 Forest Dr.	Cleveland	77328
879	Salcedo	Nick	5235 Forest Dr.	Cleveland	77328
880	Saldana	Luke	10517 Settlers Crossing	Conroe	77303
881	Salinas	Diana	17160 Holly Glen	Conroe	77306
882	Salus	Eric	16484 Brittany Way	Conroe	77306
883	Sample	Michael E. & Kerri	15456 Ben Wiggins	Conroe	77303
884	Sams	David	23488 Hargrove	Hockley	77497
885	Sanders	Brandon	503 North Rivershire	Conroe	77303
886	Santana	Sparky A	16271 Wrangler Ave	Conroe	77302
887	Santoyo	Rito & Maria	17438 White Oak Orchard	Conroe	77306
888	Sauer	Lamart L. & Cynthia S.	23059 Sharp Road		77356
889	Sawyer	Robert	3513 Woodpeckers Grove	Cleveland	77328
890	Saxon	Carol	15321 FM 1480	Cut-n-Shoot	
891	Schank	Osean			
892	Schanlt	Brenda	6678 Magnolia Trails	Conroe	77306
893	Schaue	Robert	9148 S Williams	Conroe	77303
894	Schelski	Marie	2785 W. Geronimo Trail	Cleveland	77328
895	Schelsteder	Kenneth	18161 Hill Road	Cleveland	77328
896	Schrupp	Robert K & Ruth A.	596 N Walker Rd.	Cleveland	77328
897	Schuettpelz	Harlan	9772 Adcock Acres	Conroe	77303
898	Schuler	Alan	20615 Ginger Meadow Ln.	Cleveland	77328
899	Schulmire	Mr & Mrs	12 Cedarcrest		77316
900	Seals	Angie	16332 Plaster Cir		
901	Sealy	Gordon & Jerri	7153 Greenwood Dr.	Cleveland	77328
902	Sealy	Vinson & Lynette	6928 Hidden Acres	Cleveland	77328
903	Sebree	Jason	17292 Old Hwy 105 E	Conroe	77306
904	Sebree	Robert O	17280 Old Hwy 105	Conroe	77303
905	Self	Judi	11651 Doty Drive	Conroe	77303
906	Selph	Joyce	7044 N. Walker Rd.	Cleveland	77328
907	Selph	Rubert	7058 N. Walker	Cleveland	77328
908	Selph	Travis & Lisa	7050 N. Walker Rd.	Cleveland	77328

909	Shannon	R F	5825 Sampley Way	Houston	77092
910	**Sharp**	**Melvin**	**8450 Adcock Acres**	**Conroe**	**77303**
911	**Shepherd**	**Danny**	**18735 Hwy 105 E.**	**Cleveland**	**77328**
912	**Sherrouse**	Steve **& Tamara**	**1940 S. Duck Creek**	**Cleveland**	**77328**
913	**Shields**	**Benjamin**	**210 Tupelo**		
914	**Shivers Jr**	**Joe**	**13680 Woodland Manor**	**Willis**	**77318**
915	**Shrieve**	Brad **& Michele**	**16066 FM 1484**	**Conroe**	**77303**
916	**Shumway**	**Lionel**	**15269 Jody Ln**	**Conroe**	**77303**
	Sigalo	**Rodolphe**	**Oakridge Dr.**	**Cleveland**	**77328**
	Sills	**April**	**16821 Highline Rd.**	**Conroe**	**77306**
917	Simmons	H.C.	991 Pioneer Ln.	Cleveland	77328
918	Simmons	Hally L. & Angela C.	2100 Pioneer Ln.	Cleveland	77328
919	Simmons	Nick & Cyndi	13258 Overlook	Conroe	77302
920	**Simmons Jr.**	**Paul R.**	**18597 Parker Rd.**	**Cleveland**	**77328**
	Simonsen	**Roger**	**7436 Greenwood**	**Cleveland**	**77328**
921	Simonsen	Tracey	6878 Stillwater	Willis	77318
922	**Skinner**	**Mark**	**7155 Pine Shadows Rd.**	**Cleveland**	**77328**
923	Small	John	926 Cable Street	Conroe	77301
924	Smalling	Sherry	1881 S. Walker Rd.	Cleveland	77328
925	**Smith**	Billy & **Arlinda**	**8266 N. Walker Rd.**	**Cleveland**	**77328**
926	Smith	Bryan	4097 Pine Rd.	Cleveland	77328
927	Smith	Dalton	18765 Oakridge Dr.	Cleveland	77328
	Smith	James	19313 Meadow Lake Rd.	Cleveland	77328
928	**Smith**	James & **Cassandra**	**7678 N. Walker Rd.**	**Cleveland**	**77328**
929	Smith	Jerrie	11681 Doty Drive	Conroe	77303
930	**Smith**	**John B. & Leah**	**15787 Miller Road**	**Conroe**	**77306**
931	Smith	Kevin	18135 Howards Way	Conroe	77306
932	Smith	Loretta M.	7627 A Greenwood Dr.	Cleveland	77328
933	Smith	Michael	18765 Oakridge Dr.	Cleveland	77328
934	Smith	Michael D	25970 Roping Rd.	Splendora	77372
935	**Snider**	**Novel**	**15450 Ben Wiggins**	**Conroe**	**77303**
936	**Snider**	**Virginia**	**15450 Ben Wiggins**	**Conroe**	**77303**
937	**Soeder**	**Kevin A.**	**2419 Chantilly Ln.**	**Conroe**	**77384**
938	**Solis**	**Maria G.**	**1503 Vine Rd.**	**Conroe**	**77301**
939	**Somers**	**Vivian**	**17505 FM 1484**	**Conroe**	**77303**
940	**Somplasky**	**H. R. & Nickki**	**19524 Meadow Lake Rd.**	**Cleveland**	**77328**
941	Soper	Lina	16075 Southern Pines Dr	Conroe	77302
942	Sowell	Hank & Eileen	5903 Bee Creek	Willis	77378
943	Sparks	Tommy	22615 Hwy. 105	Cleveland	77328
944	Spence	Sibyl	10975 Hillcrest	Conroe	77303
945	**Spera**	**Jack**	**1013 Windswept Dr.**	**Conroe**	**77301**
946	Spradley	Donnye	160 April Waters N.	Montgomery	77356
947	**Stalcup**	**Anita**	**12275 Twin Pines**	**Conroe**	**77303**
948	Stallings	Kenneth	12798 Woodcreed Drive	Willis	77318
949	Stallworth	Ron & Jan	20393 Meadow Lake Rd.	Cleveland	77328
950	**Standley**	**Linda**	**6342 Greenwood Dr.**	**Cleveland**	**77328**
951	**Standley**	**Ricky**	**6342 Greenwood Dr.**	**Cleveland**	**77328**
952	Steele	Nick	4112 Pine Rd.	Cleveland	77328
953	Steen	Bart	229 Fish Creek Lane		77316
954	Stegenga	Linda	6541 Hidden Acres Dr.	Cleveland	77328
955	**Steitz**	**Jason**	**500 Northwood**		
956	**Stem**	**Neva**	**10522 Lake Shore Dr.**	**Conroe**	**77303**
	Stephan	**Chad and Tami**	**3615 Reavs Rd.**	**Cleveland**	**77328**
957	**Stephens**	**John D. & Elke**	**3946 Mark Lane**	**Conroe**	**77303**

958	Stern	Jeff & Analeisa	16397 Crockett ?	Conroe	77303
959	Stevens	Thomas L.	14424 Allendale Road	Conroe	77302
960	Stevenson	Raymond	350 Magnolia Rd.	Cleveland	77328
961	**Stevenson**	**Robert L.**	**495 Kelley Rd.**	**Cut-n-Shoot**	**77303**
962	Steward	Thomas & Nancy	7759 N. Walker	Cleveland	77328
963	Stilley	Tracey	2001 Meekins	Cleveland	77328
964	Stipanic	Connie	1655 Acorn Place	Cleveland	77328
	Statum	Ricky	11400 High Crest Dr.	Conroe	77303
965	**Stone**	**Pete**	**12056 FM 830**	**Willis**	**77318**
966	Stott	Lem & Shannon	18941 Oakridge Dr.	Cleveland	77328
967	Stowers	Janith	1102 W. Tri Oaks #108	Houston	77043
968	**Street**	**Johnnie & Terri**	**20667 Old Hwy 105**	**Cleveland**	**77328**
	Strickland	**Cynthia**	**21927 Strickland Ln.**	**Cleveland**	**77328**
969	Stuart	Bryan	71 Park Cirlce	Montgomery	77356
970	**Sullivan**	**Brian & Nicole**	**17297 Old Hwy 105 E**	**Conroe**	**77306**
971	**Sullivan**	**Gary M & Sandra**	**7048 Pine Shadows Dr.**	**Cleveland**	**77328**
972	Sutton	Donnie & Rebecca	19064 FM 1484	Conroe	77303
973	**Swaim**	**Elaine**	**7720 Adcock Acres**	**Conroe**	**77303**
974	Swain	Bill			
975	Swinner III	Joddie K & Beverly L.	4445 Woodpeckers Grove	Cleveland	77328
	Swinner	Jennifer	4449 Woodpeckers Grove	Cleveland	77328
976	**Sykes**	**Michael**	**1713 Lindy Ln**	**Conroe**	**77301**
977	Talbert	Colette	5848 Rolling Hills Road	Conroe	77303
978	Tambourides	George	16338 Crocket Crossing	Conroe	77303
979	**Tate**	David **& Rhonda**	**15378 Jody Lane**	**Conroe**	**77303**
980	**Tate**	**John D.**	**15378 Jody Lane**	**Conroe**	**77303**
981	Taylor	H. W.	10094 Hidden Acres	Cleveland	77328
982	Taylor	Joyce	3163 N. Duck Creek Rd.	Cleveland	77328
983	Taylor	Kama	3183 N. Duckcreek Rd.	Cleveland	77328
984	Teal	Claude A	9813 Ibis	Conroe	77305
985	Teekamp	Debra	3925 Woodpeckers Cove	Conroe	77303
986	Temple	Floyd	11631 FM 830	Willis	77318
987	**Tharp**	**Maxey**	**20020 Security Way**	**Cleveland**	**77328**
988	**Thoede**	**Brandi**	**12406 Santiago Cove Ln**		
989	Thomas	Amy	15707 Palm Beach		77356
990	Thomas	Carey	27 Lancelot Lane	Conroe	77304
991	Thomas	Hailey	15511 Tree Monkey	Conroe	77303
992	Thomas	Michael	6880 Weir Road	Cleveland	77328
993	Thomas	Pat	9060 Vallierde		77378
994	Thomas	Robert	17243 Hwy 105 E	Conroe	77306
995	Thomas	Tracie	15904 Miller	Conroe	77303
	Thomas	William	9457 Greenwood Dr.	Cleveland	77328
996	Thomason	Janice	45 Artesia	Conroe	77304
997	Thompson	Henry L.	2810 Pine Rd.	Cleveland	77328
998	Thompson	Todd	19715 Old Hwy. 105	Cleveland	77327
999	Thompson	William B.	11 Briarwood	Conroe	77301
1000	Thompson	Sheri	3803 Miller Road	Cleveland	77328
1001	Thomson	Billie	18330 Old Hwy 105	Cleveland	77328
1002	Thorpe	Richard	5518 West Forest	Conroe	77303
1003	**Thrasher**	Dale **& Nancy**	**10192 Waukegan Rd.**	**Conroe**	**77306**
1004	Thul	Debbie	1515 Wilson	Conroe	77304
1005	Tiller	Chad and Tami	15467 Ben Wiggins Rd.	Conroe	77303
1006	**Tinsley**	**Aaron C.**	**240 Mesa View**	**Montgomery**	**77316**
1007	**Todd**	**Maria**	**17232 FM 1484**	**Conroe**	**77303**
1008	Torrence	Jack S	2424 Coach Light Lane	Conroe	77384
1009	**Torres**	**Juan Carlos**	**151 Kim St**		**77371**

1010	Towery	Richard & Brenda	16998 Old Hwy. 105	Conroe	77306
1011	**Towle**	**John**	**1405 Old Magnolia Rd.**	**Conroe**	**77304**
1012	Townsend	Marcia	5862 FM 1374		77358
1013	Trammel	W. Eugene & Debra	P O Box 1261	Splendora	77372
1014	Trauesse	Josh	10616 Champion Forest Loop	Conroe	77303
1015	**Trevathan**	**James A. & Kathy**	**8121 N. Walker**	**Cleveland**	**77328**
1016	**Trojanowski**	**Janet**	**P O Box 8041**	**Grangerland**	**77302**
1017	Tucker	Russell & Cindy	4868 Forest Drive	Cleveland	77328
1018	Tuff	Ross	1945 Hazelwood	Conroe	77301
1019	Tully	Stan	10414 Greenridge Road	Conroe	77303
1020	Tupa	Eleanor	2024 N Thompson	Conroe	77304
1021	**Turner**	**Aaron** & Sandra	**2202 N. Walker Rd.**	**Cleveland**	**77328**
1022	**Turner**	**Woodrow J.** & Mary	**7202 N. Walker Rd.**	**Cleveland**	**77328**
1023	**Underwood**	**Frances**	**11150 FM 521**	**Sandy Point, TX**	**77583**
1024	Valdes	Gabrilla	12850 Lhorlean	Montgomery	77356
1025	Van	Dee	18837 Harborside Blvd	Montgomery	77356
1026	Vandewerker	Steven	3438 Reaves Rd.	Cleveland	77328
1027	Vandewerker Jr.	Darold	3438 Reaves Rd.	Cleveland	77328
1028	**Vandewerker Sr.**	**Darold & Janis**	**3542 Reaves Rd.**	**Cleveland**	**77327**
1029	**VanLiew**	**Barbara** & Dick	**16410 Tree Monkey**	**Conroe**	**77303**
1030	**VanLiew**	**Jessie**	**11926 Rose Rd.**	**Cleveland**	**77303**
1031	**Vargas**	**Daniel**	**7925 Crockett Martin Rd.**	**Conroe**	**77303**
1032	**Vasquez**	**Maria J**	**16465 N. Emerson**	**Conroe**	
1033	Vazquez	Manuel & Mary D.	10284 Crescent Drive	Montgomery	77316-9226
1034	**Vaught**	**Jim**	**15868 Magnolia Park**	**Conroe**	**77306**
1035	**Vega**	**Melinda**	**16516 Crockett Forest**	**Conroe**	**77306**
	Venne	**Ruby**	**19762 Old Hwy. 105 E**	**Cleveland**	**77328**
1036	**Vercher**	**Zachary**	**10535 Greenridge Rd.**	**Conroe**	**77303**
1037	**Vercher**	**Pam**	**10535 Greenridge Rd.**	**Conroe**	**77303-4209**
1038	**Vercher Jr.**	**Tommy J.**	**10535 Greenridge Rd.**	**Conroe**	**77303-4209**
1039	Verm	Lenurma	12241 Crockett Martin Rd.	Conroe	77306
1040	Vichey	P H	P O Box 2024	Porter	77365
1041	Vick	Connie	295 Rigby Owen	Conroe	77304
1042	Vickers	Max	7167 Kingston Cove Lane	Willis	77318
1043	Vietor	Dennis	11015 S Williams	Conroe	77303
1044	**Villarreal**	**Faustino D. & Candace**	**15787 Miller Road**	**Conroe**	**77303**
1045	**Villarreal**	**Faustino R. & Yvonne P.**	**12672 Oakleaf Road**	**Conroe**	**77303**
1046	**Villarreal**	**Lucila**	**5934 Deerwood Dr.**	**Conroe**	**77306**
1047	Vineyard	Robert L.	8272 Pine Shadow	Cleveland	77328
1048	**von Tungeln**	**James E. & Eleanor**	**1633 Acorn Place**	**Cleveland**	**77328**
1049	**von Tungeln**	**Jim**	**1633 Acorn Place**	**Cleveland**	**77328**
1050	Vovzasp	Daniel	7925 Crockett Martin Rd.	Conroe	77306
1051	Vyoral	Doug & Ashlea	16183 Tree Monkey Rd.	Conroe	77303
1052	Vyoral	Paul	14180 Millmac Rd.	Conroe	77303
1053	Wagner	Zerlina	3375 B North Walker Rd.	Cleveland	77328
1054	Wagnon	Sheila	18387 Grimes Rd.	Cleveland	77328
1055	Waiford	Sue	15509 E Williams	Conroe	77303
1056	Walding	April	2298 Pine Rd.	Cleveland	77328
1057	Walford	Kenneth & Barbara	8994 Greenwood	Cleveland	77328
1058	Walker	Chris	629 Mosswood	Conroe	77302
1059	Walker	Cody	_____ Crockett Martin Rd.	Conroe	77303
1060	Walker	L.R. & Billie	18586 Cypress Lane	Cleveland	77328
1061	Walker	Rachel	1435 Riley Fuzzel Road	Conroe	77386
1062	Walker	Tammy	12851 Shoreline	Montgomery	77356
1063	**Walkinshaw Jr.**	**James E.**	**5821 Pine Shadows Rd.**	**Cleveland**	**77328-5712**
1064	Walters	Bobby L. & Debra L.	19188 Meadow Lake Road	Cleveland	77328
1065	**Walters**	**Debra**	**19188 Meadow Lakes**	**Cleveland**	**77328**
1066	Walters	Lori	515 N Magnolia	Conroe	77301
1067	Ward	Frances	8513 Edinburgh	Montgomery	77316
	Ward,	Lillian	9457 Greenwood Dr.	Cleveland	77328

1068	Warner	Danny & Donna	11450 Doty Drive	Conroe	77303
1069	Warner	David & Marcia	4275 Jeanette	Conroe	77303
	Warner	Jackie	17561 SH 105 E	Conroe	77306
1070	Warner	John & Vickie	17971 FM 1484	Conroe	77303
1071	Warren	Beckie	15284 White Oak	Conroe	77303
1072	Warren	Paula	15284 White Oak	Conroe	77303
1073	Warren	Shannon	16878 Carary	Conroe	77385
	Washburn	Brandy	21874 Strickland Ln.	Cleveland	77328
1074	Watkins	Kimberly	142 Kellyn Oaks	Conroe	77306
1075	**Watkins**	**Janice R.**	**406 N. Walker Rd.**	**Cleveland**	**77328**
1076	Watson	Rhonda	47601 Woodpeckers Grove	Cleveland	77328
1077	Wayman	G. W.			
1078	Weaver	Randall & Donna	16310 Weaver Lane	Conroe	77303
1079	Wedgewood	Jordan	14401 Crighton Road	Conroe	77302
1080	**Weeks**	**Jimmy**	**805 Waukegan Road**	**Conroe**	**77306**
1081	**Welch**	**Clifford**	**11765 Holly Drive**	**Conroe**	**77303**
1082	**Welch**	**Craig & Sandy**	**24639 Lakewood Dr.**	**Splendora**	**77372**
1083	**Welch**	**Dale & Karen**	**2791 N. Walker Rd.**	**Cleveland**	**77328**
1084	**Welch**	**John**	**2787 N. Walker**	**Cleveland**	**77328**
1085	Wells	Heath & Zulema	11743 E Old Oak Trail	Willis	77378
1086	**West**	**Dannette**	**1562 Pioneer Ln**	**Cleveland**	**77328**
1087	West	Daryl L. & Raegene	4195 Woodpeckers Grove	Cleveland	77328
1088	**Westra**	**Jody**	**2039 Mann Road**	**Conroe**	**77303**
1089	Wheeler	Suzanne	1875 S. Walker Rd.	Cleveland	77328
1090	Whiddon	Marie	13404 Piglette Lane	Conroe	77302
1091	**White**	**Annette**	**10625 Newtow Circle**	**Conroe**	**77303**
1092	Whitlow	William	449 Stephen F. Austin Dr.	Conroe	77302
1093	Whitten	Judy C	10398 Henry Lane	Conroe	77306
1094	Wigginton	Neal & Mona	25358 Needham Rd.	Porter	77365
1095	**Wiggins**	**Mark**	**17416 Castlewood Dr.**	**Conroe**	**77306**
1096	Wild	Clifford	11765 Holly Drive		
1097	**Wilkerson**	**Elizabeth**	**16396 Tree Monkey**	**Conroe**	**77303**
1098	**Wilkerson**	**Jeremy**	**16396 Tree Monkey**	**Conroe**	**77303**
1099	**Wilkerson**	**Jessica**	**15264 White Oak Lane**	**Conroe**	**77303**
1100	**Wilkerson Jr.**	**Johnny**	**15264 White Oak Lane**	**Conroe**	**77303**
1101	**Wilkerson**	**Johnny E.**	**15264 White Oak Lane**	**Conroe**	**77303**
1102	Wilkerson	Norman	16396 Tree Monkey		77303
1103	Wilkerson Jr	Norman	16396 Tree Monkey		77303
1104	**Wilkerson III**	**Norman L**	**16396 Tree Monkey**	**Conroe**	**77303**
1105	Wilkinson	Matthew O.	20276 S. Geronimo Trail	Cleveland	77328
1106	**Wilkinson**	**Randy & Kimberly**	**7724 N. Walker**	**Cleveland**	**77328**
1107	Wilkinson	Steve O.	20274 S. Geronimo Trail	Cleveland	77328
1108	**Williams**	**Charlotte**	**2304 Pine Rd.**	**Cleveland**	**77328**
1109	**Williams**	**Darrick J.**	**P O Box 1543**	**New Waverly**	**77358**
1110	**Williams**	**Donald G.**	**15474 Ben Wiggins Rd.**	**Conroe**	**77303**
1111	**Williams**	**Joe K**	**10377 S Williams Road**	**Conroe**	**77303**
1112	**Williams**	**Lacey**	**17292 Old Hwy 105 E**	**Conroe**	**77306**
1113	Williams	Martha	1694 Ashley Circle Lot 2	Cleveland	77328
1114	**Williams**	**Mary**	**14100 Kelly Rd.**	**Conroe**	**77304**
1115	Williams	Sherri	5900 Weir Rd.	Cleveland	77328
1116	**Williams**	**Sue A.**	**15474 Ben Wiggins Rd.**	**Conroe**	**77303**
1117	**Williams**	**Willie**	**12049 LaSalle**	**Conroe**	
1118	Williams	Willis	17170 Red Leaf Ln.	Conroe	77328
1119	Wilson	David & Diane A.	13865 Austin McComb Road		77316
1120	Winn	Destiny R.	25661 Tallow Vista	Cleveland	77328
1121	Woa	Michael	10975 Newton Circle Dr	Conroe	77303
1122	**Wood**	**Justin**	**19313 Meadow Lake Rd.**	**Cleveland**	**77327**
1123	Woodall II	James	18185 Old HWY 105	Cleveland	77328

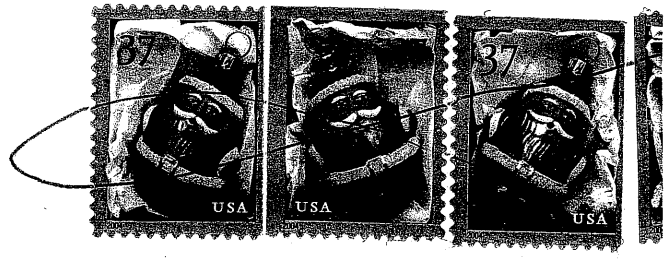
1124	Woodward	Carla	5869 East Forest Road	Conroe	77306
	Woolery	Robin & Dalton	2927 S. Duck Creek	Cleveland	77328
1125	Woolley	Jeanine	7497 Hidden Acres	Cleveland	77328
1126	Woychesin	Jacqueline	7627 Greenwood Dr.	Cleveland	77328
1127	Woychesin	Ricky	7627 Greenwood Dr.	Cleveland	77328
1128	Wright	Kristin	2 Midwood Circle	Conroe	77301
1129	**Wright**	**Brenda F.**	**3430 N. Oak Forest Dr.**	**Conroe**	**77303**
	Wyatt	**Rebecca**	**6929 Hidden Acres**	**Cleveland**	**77328**
1130	**Yant**	**Martin A.**	**12500 Melville Dr.**	**Montgomery**	**77356**
1131	Yawn	Charles	P O Box 7092	Cut-n-Shoot	77306
1132	Yawn	Sercy	1285 Hales Rd.	Cleveland	77328
1133	Yawn	R. B.	P O Box 1753	Conroe	77305
1134	Yoakley	Daniel & Sandra	3816 Woodpeckers Grove	Cleveland	77328
1135	**York**	**Thomas & Melba**	**17690 Dogwood Dr.**	**Conroe**	**77303**
1136	Young	Banica	120 Toledo Street	Conroe	77301
1137	Young	Bubba	390 Scarlett	Shepherd	77371
1138	Young	Lila	2003 FM 3081	Willis	77378
1139	Young	Racheal	1200 N Loop 336 West	Conroe	77301
1140	Young	Richard	24789 Watson Ranch	Montgomery	77356
1141	Young	Ray	21710 Arlene	Magnolia	77355
1142	**Young**	**Stormy**	**70 Megan Ln**	**Cleveland**	**77328**
1143	**Young**	**William**	**403 A Liberty**	**Montgomery**	**77356**
1144	**Yura**	**Scott**	**596 N Walker Rd.**	**Cleveland**	**77328**
1145	Zarate	Patty	17255 White Oak Orchard	Conroe	77306
1146	Zeller	Karen	P O Box 7348	Cut-n-Shoot	77306
1147	**Zotyka Jr.**	**Ladgie**	**602 Airline Dr.**	**Conroe**	**77301**
1148	**Zylman**	**Paul R. & Rebecca J.**	**2388 N. Walker Rd.**	**Cleveland**	**77328**
1149		Melody			

Citizens Against Montgomery Landfills, Inc
6541 Hidden Acres Dr.
Cleveland, TX 77328

TEXAS ENVIRONMENTAL QUALITY

2004 DEC 20 PM 3:37

CHIEF CLERKS OFFICE



RECEIVED
DEC 20 2004
TCEQ MAIL CENTER

LaDonna Castanuela, Chief Clerk
TCEQ
P.O. Box 13087, MC-105
Austin, TX 78711-3087

37868
MSW

CITIZENS AGAINST MONTGOMERY LANDFILLS, INC (CAML)

P.O. BOX 7273
CUT AND SHOOT, TEXAS 77306
www.geocities.com/stopthelandfill

2004 DEC 15 AM 9
CHIEF CLERKS OFFICE

Board of Directors:
Glenn Bell – 281/592-7344
Leah Smith – 936/445-1493
Linda Stegenga - 291/432-1866
David Tate – 936/264-2877
Jacqueline Woychesin - (281)539-0738

Officers:
David Tate - President
Jackie Woychesin – Vice President
Claudia Hubbard - Treasurer
To be appointed - Secretary

PM OPA
DEC 15 2004
BY

December 15, 2004

LaDonna Castanuela, Chief Clerk
TCEQ
P.O. Box 13087, MC-105
Austin, Texas 78711-3087

Via Facsimile: (512) 239-3311
and Regular Mail

RE: Notice of Application and Preliminary Decision, Montgomery Landfill Solutions, LP, Proposed Permit Number 2324

Dear Ms. Castanuela:

On behalf of the members of Citizens Against Montgomery Landfills, Inc. (CAML) and other concerned citizens in the affected area, the Officers and Board of Directors of CAML is filing this petition requesting a public meeting to afford the citizens an opportunity to comment about the above referenced application or draft permit. We are also requesting a contested case hearing.

CAML's membership includes over 1000 property owners that will be negatively impacted by the proposed landfill, giving us "standing" to contest this application. Attached is a copy of our membership of concerned citizens. Your acknowledgement and response to this letter, on behalf of our membership may be directed to:

Linda K. Stegenga
Legal Liaison & Member, Board of Directors
Citizens Against Montgomery Landfills, Inc.
6541 Hidden Acres Drive
Cleveland, Texas 77328

There are numerous issues that the members of CAML and other affected citizens and businesses have already raised and we would like to re-confirm those issues, such as, **but not limited to**:

Land Use Incompatibility and General Land Development Patterns: The Applicant has failed to demonstrate that the landfill will be compatible with existing land use, community growth patterns, and with growth trends of the surrounding communities.

Groundwater Contamination, Flooding and Surface Water Drainage: The Applicant has failed to provide adequate information to demonstrate compliance with: (a) run-off and run-on management systems; (b) the impact of natural drainage patterns; (c) verification of the 100-year flood plain, and, (d) preventing groundwater and water well contamination.

Traffic Safety & Road Inadequacy: Concerning the reconstruction of North Walker road, there is no guarantee that widening the size of the road and adding an industrial base to the road, that no child will be killed and the residents on North Walker Road would be as secure as they were prior to the construction of the landfill. Adding 478 vehicle trips per day of waste disposal vehicles to a normal flow of 100-150 vehicles per day of residential vehicles, is a disaster waiting to happen.

Land Clustering & Environmental Justice: East Montgomery County currently provides waste disposal facilities for Montgomery County and (4) surrounding counties through Security Waste Management Landfill, just 1.5 miles from the proposed landfill site, or, 0.4 mile from the proposed entrance at North Walker Road and the current entrance to Security Landfill on SH 105E. There is also an industrial waste facility and a transfer station just 8 miles to the east of the proposed landfill site and current Waste Management Facility. Residents in the community believe that this area has been targeted for clustering of landfills. The residents in the Midway, Security and Cut and Shoot area are primarily comprised of low income families, Hispanics and retirees.

Exiting Landfill: Security Waste Management Landfill (SH 105) has applied to expand their capacity to meet the needs of Montgomery County and the surrounding counties for another 29 years. This landfill is just 1.5 miles from the proposed MLS landfill. There is no need for another landfill in this immediate area.

Wetlands: The Applicant changed their footprint to avoid mitigating 10.92 acres of wetlands in the proposed landfill site. Pollution released during frequent flooding and by poor construction design, will contaminate the jurisdictional waters. The landfill footprint is immediately adjacent to these jurisdictional waters. During the flooding season, the jurisdictional wetlands will receive run-off from the landfill. There are an additional 47 acres of wetlands that the Applicant will destroy during construction, which is unacceptable. These wetlands provide a deterrent to flooding onto the immediate property owners.

Mineral Interest: The mineral interest at this proposed landfill site is not under the ownership of the landfill company. As the dominant owner, access to and development of mineral interest is a right of the mineral right owners under the Texas Statutes.

Protection of Endangered Species: The Applicant has failed to demonstrate that the landfill will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species or cause or contribute to the taking of endangered or threatened specie.

Regional Solid Waste Plan: The applicant has failed to demonstrate that this proposed facility will conform to the Regional Solid Waste Management Plan by H-GAC.

Underestimated closure and post-closure care. The applicant cost for closure and post-closure care appears to be underestimated.

Sincerely,

CITIZENS AGAINST MONTGOMERY LANDFILLS, Inc.

David Tate, President and Board of Directors
On behalf of the Officers, Board of Directors and Membership

xc: CAML Board Members and Officers: Glenn Bell, Claudia Hubbard, Leah Smith, Jacqueline Woychesin

OPA RECEIVED

H AUG 09 2004

AT PUBLIC MEETING

2004 AUG 11 PM 2:41

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Ms. Kathleen Hartnett White
Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

Re: Application for Permit No. 2324

Dear Ms. White:

Montgomery Landfill Solutions L.L.P, (MLS) applied and was given No. 2324 for their permit application. As you know, this is the second filing from MLS for a permit to build a landfill on North Walker Road in Montgomery County, Texas. The first permit number 2312 was pulled due to inadequacies in the permit.

The only governmental support MLS has for this project is the Conroe City Council and they have no juridical authority in the matter.

We have serious issues that certain civil rights may have been violated due to the location and manner which MLS conducted the business of notification and signage at the site. It is sad when a people are discriminated against no matter how subtle; to not notify all citizens in their native language is not the way Texas was built.

There is a major problem trying to shoe horn a landfill over a mile of the nearest major road in a housing area that depends on well water.

The clustering and concentration of 3 landfills in an 8-mile radius is not safe or fair to the residents of the county. This denies the rest of us reasonable access to SH 105. There have been fatalities on SH 105 near this area and the Security site. The basic thrust of the matter Metroplex is trying to take a sow's ear and make a silk purse. Improving North Walker will not stop the congestion and traffic problems countywide as the trucks work their way to the landfills.

The break down of the waste tonnage type and where it's coming from gives reason for serious concern. I these numbers have been massaged so Waste Management and MLS can cause panic that they are not going to be able to handle Montgomery County needs.

This is not the vision I have for Montgomery County to become the largest landfill site in South Texas. I will continue to work to educate the folks of the danger to the environment and our quality of life, as we know it today. There is a greater future for Montgomery County than converting the Northeast quadrant into a wasteland.

We respectfully request that you deny this permit for (1) the safety of our children, (2) the safety of our water wells, (3) prevention of the congested traffic this landfill will cause, (4) killing positive development of our area, (5) overburden of our precinct budget, and (6) the violation of the 14th Amendment (7) land use (8)negative effect on drainage and flooding (9) do not own 100% of mineral estate and (10) irreparable damage to the quality of life for the residents who live here and have lived here for many years.

I am requesting a contested case hearing in Montgomery County.

Sincerely,

David Tate
Citizens Against Montgomery Landfill
P. O. Box 7273
Conroe, TX 77305

5th

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:41
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: DAVID TATE

Address: 15378 JODY LN

City/State: CONROE, TX **Zip:** 77303

Phone: (281) 797-0812

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**
If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

H
37868
MSW

April 27, 2004

LaDonna Castanuela
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
United States of America

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2: 33
CHIEF CLERKS OFFICE

Dear LaDonna Castanuela,

Please find enclosed 283 letters opposing the Landfill on North Walker Road in Montgomery County Permit 2324. We would appreciate a TCEQ hearing in Conroe so TCEQ will have ample opportunity to meet the citizens and hear the human side of this matter. Somewhere in our State government has to be an agency that listens to voices of the people. I thank you for your consideration in this matter and I have forwarded copies to my Senators and Representatives.

Regards,

David Tate

OPA
APR 30 2004
BY

CAML
15378 JODY LANE
CONROE, TX 77303-3920

OFFICERS/BOARD MEMBERS:
Glenn Bell – 281/592-7344
Claudia Hubbard – 936/264-3326
Leah Smith – 936/445-1493
Linda Stegenga – 281/432-1866
David Tate – 936/264-2877
Jackie Woychesin – 281/593-0738

WEBMASTER: David Dauzart
e-mail: stopthelandfill.sbcglobal.net
www.geocities.com/stopthelandfill

Citizens Against Montgomery Landfills, Inc.
P.O. Box 7273
Cut and Shoot, TX 77306

2004 DEC 15 AM 10:53
CHIEF CLERKS OFFICE

Fax

To:	LaDonna Castanuela	**From:**	Linda Stegenga
Fax:	512/239-3311	**Pages:**	
Phone:		**Date:**	12/15/2004
Re:	MLS Application #2324 – Preliminary Decision Response	**CC:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

Ms. Castanuela,

Attached in CAML's response to the Notice of Application and Preliminary Decision on the aforementioned application.

Under separate cover, I am mailing the original letter and copy of our membership. Your reply to our response can be mailed directly to me at 6541 Hidden Acres Dr., Cleveland, TX 77328 as designated in the letter.

Thank you for your consideration in this matter.

Linda Stegenga, 281/432-1866 or fax 281/432-1778 or cell phone 281/728-3199 or e-mail DLstegenga@aol.com.

Linda Stegenga

(5)

(23)

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: DAVID TATE

Address: 15378 JODY LANE

City/State: CONROE Zip: TX

Phone: (281) 797-0812

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☑ Yes ☐ No

If yes, which one? CAML, ED RINEHART, TOMMY GAGE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

37868
MSW
OPA
MAR 10 2005
BY

David & Rhonda Tate

Comments to

Montgomery Landfill Solutions (MLS)

Revised Permit #2324 (the "Application")

March 10, 2005

We have lived at our present address in excess of 20 years and in the immediate area of the proposed site for over 27 years. Our interest is vested in the future of East Montgomery County. The commitment we have shown for this neighborhood and region is solid, respected and well known. This part of the county, which has been neglected in the past, is experiencing a burst of growth never imagined twenty years ago. I think those of us who moved here for rural environment and to escape the city are having to rethink our position on the development of the area and we have to step forward to insure it is a healthy, safe and positive transition from rural to an rural/urban area. The cascading negative effect of this landfill will have on this part of the state will be incalculable. This proposed Landfill Permit #2324 does not fit in any of the categories mentioned above. The proposal MLS presented to TCEQ is nothing more than a pipe dream based on things that might come to pass in the future but are not based on reality. State Highway 105 will become the major artery connecting I-45 and the new I-69. The plan calls for a four-lane highway with curbs and gutters. Presently there is no funding for this project and many different aspects of the plan will probably change. Reality is we have a two lane black top State Highway that has just been overlaid. Data, which has been used in some cases, is old or corrupted. MLS's approach to dealing with the citizens and TCEQ has been little more than a game of Chutes and Ladders with lots of subtle antagonism. MLS has not demonstrated they have the ability or the desire to cooperate with TCEQ or the public, which I would say is evident with their subsequent withdrawal of this

permit on a previous occasion. They have a history of missing dead lines and filing dates. They continue to neglect filing their franchise taxes with the Secretary of State and are not in good standing. The structure and names of the owners seems to be a secret. In an open society I find this very suspicious. Do we know if the owners are involved in organized crime, environmental terrorism or, are they possibly our own Conroe or Montgomery County public servants? We are being asked to trust a company (who has this kind of reputation and who has not even turned their first spade of dirt) with our precious ground water? We have previously submitted and will continue to give clear and convincing arguments in our formal arguments that this project is not in the best interest of the citizens of Montgomery County and has no governmental support other than the Conroe City Council of which City Councilman Web Melder is the realtor of record. I suggest that the Conroe resolution has no merit and should not be considered. I ask that a full and complete investigation be made of the ownerships' personal and financial competence to own and operate a dangerous facility like this before continuing with this permitting process.

Growth and Land Use

This landfill proposal has been Shoe Horned into a rapidly growing residential area.
The landfill is bounded on the west by undeveloped land that separates it from the town of Cut and Shoot located 1.5 miles to the west. Since the 2,000 censuses, the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes scheduled for construction within the next two (2) years.

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. The Williams Road Community bounds the landfill site on the north and northwest. These communities are currently experiencing

continuous, rapid residential and business growth. They are actually growing much more rapidly than Cut and Shoot. Several new subdivisions in the Security/Midway area are within 1 to 2 miles of the proposed site. Many additional new homes are planned for the area. There are also many platted lots on the market. Small businesses planned a church, day care convenience store/gas station restaurants, are near or within the 1-mile radius of the proposed site. Austin Elementary School on SH 105 and All Daycare located on Wiggins Road. South of SH 105 on S. Walker Road Cheesemakers Inc., which uses ground water to make their products.

The applicant used the 2,000 census and the growth projections for Cut and Shoot as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

Environmental Justice

East Montgomery County has been targeted by landfill companies for waste dumping businesses. The communities in East Montgomery County, because of the landfill sites, receive fewer economic benefits than the communities generating the waste.

The impact to the low income and minority communities in East Montgomery County is disproportionate to the population in Montgomery County and the four surrounding counties. Retirees that have depended on the increase in the values of their homes will not be able to reap the benefit of their investment to sustain them in their latter years. Hispanics continue to be disenfranchised and suffer discrimination. Property values for all of East

Montgomery County citizens will continue to plummet if the proposed landfill is permitted.

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

OPA
JUN 07 2004
BY

2004 MAY 28 PM 2:52
CHIEF CLERKS OFFICE
COMMISSION ON ENVIRONMENTAL QUALITY

Re: Application for Permit No. 2324

Dear Chief Clerk:

Recently, Montgomery Landfill Solutions L.L.P, (MLS) applied and was given No. 2324 for their permit application. As you know, this is the second filing from MLS for a permit to build a landfill on North Walker Road in Montgomery County, Texas. This first permit was pulled due to inadequacies in the permit.

We are writing to you with our concerns for this landfill. First, the Conroe City Council wrote a resolution approving this landfill. Of course they would. This will generate money given to Montgomery County and it will be placed outside the city limits of Conroe. Therefore, the Conroe City Council has no jurisdiction over this landfill. The Conroe City Planner is Chris Caywood and he is a partner of CMSS, the owner of the land. Isn't this abuse of power and position? The closest government entities, Montgomery County Commissioners Court, Cut N' Shoot City Council and the Cleveland City Council, have all written resolutions opposing the landfill (Exhibit "A"). The Superintendent of the Conroe Independent School District has written a letter stating his concerns and opposing the landfill (Exhibit "B"). Surely you will consider these opinions.

The 14th Amendment of the U.S. Constitution reads "....nor deny to any person within its jurisdiction the equal protection of the laws". In this case, the residents were the last to know of this landfill and part of the reason being the notices were published in the paper in English only. A large percentage of the residents in close proximity of the landfill are Hispanic (32%). This is the **3rd** landfill to be placed in East Montgomery County within an 8 mile radius. We are overrun with landfills and all this clustering is being thrust upon us against our will. The land in this rural area is cheaper in East County and therefore it would be mean more profits for the owner. These landfills are put in East County where a lot of the residents are minorities, elderly and are unable to obtain expensive legal services to fight. This is a violating our rights to equal protection of the laws. This is environmental racism. We are being denied equal protection and therefore a violation of the 14th Amendment.

The safety of our children remains to be a big concern for us. North Walker Road is the only road into our quiet subdivisions. It is a narrow 2-lane, 18 ft., blacktop road (Exhibit "C"). Large vehicles cannot meet without both having to go off the pavement. This is a rural neighborhood where the children walk to their friends' houses, ride skate

Tate, David

boards and ride their bikes down the road. Our county commissioner, Ed Rinehart, has written a letter to you stating that the road is unsafe for the commercial traffic (Exhibit "D"). Up to now our biggest problem has been the heavy traffic on Hwy. 105 E. with all the commercial traffic. A lot of the traffic on Hwy 105 E. is from the garbage and dump trucks going into the landfill at Security which is just 1 mile down the highway. We have had 2 children killed at the intersection of Hwy. 105 E and Walker Road just since the beginning of school this year and each have been by commercial vehicles. Now MLS is asking for us to deal with an additional 355 trucks daily (Exhibit "E") and these will come onto the narrow 2-laneWalker Road and into our quiet neighborhood. Using this figure for the number of trucks and using a 10 hour day, would mean that there would be 1 truck entering the landfill every **.6** minutes. The garbage and dump trucks would tear up the road with so much use. We understand there will be a fee assessed for every truck over a certain weight but our commissioner has told us that fee will not pay for all the repairs to the roads. These repairs will have to come out of the budget for our county precinct. Again we will pay for this landfill. MLS has sent a resolution to the commissioner stating it will pay $380,000 to widen the road (still a 2-lane road) from Hwy 105 to just past the entrance of the landfill – just over 7,000 feet. Our county commissioner says that amount of money will not cover the cost of widening the road and this process will entail buying the land from individual landowners to be able to widen the road. The utility lines will have to be moved. MLS has not mentioned buying the land nor moving the utility lines so…here is another expense for our county. MLS has said they will pay the county 50 cents for every yard of debris that is brought in to the landfill. This will be deposited into the general revenue account and again the residents of Precinct 4 will be paying for this landfill. MLS is trying to make themselves look "good" by offering to pay large sums of money. However, these monies will not begin to pay for all the residents of East County have to suffer for MLS to make a profit. (MLS attorney David Crews withdrew this offer the night of the required public meeting held by MLS 4/22/04)

Why would you approve another landfill in that area when the existing landfill at Security has 6 years left and they have applied for an increase to have 22 years of use? Why can we not use the existing landfill and eliminate the excessive amount of trucks and traffic? Why continue to cluster all the landfills for our county in our area?

Also, with that large amount of trucks in and out of our subdivision, think of the air pollution from the diesel fumes in our neighborhood. Picture <u>your</u> subdivision with all this thrust upon <u>you</u>!

We cannot trust MLS and you should not, either. In the first application we showed you how MLS had used old, outdated information to make it appear the area for the landfill was "*…undeveloped*". They are using the same 1997 information for this application. We have presented you with current maps to show all the development in the immediate area (Exhibit "F"). MLS has said the latest water wells were "*…..drilled in 1998*". There is no way a person could move into these new subdivisions since 1998 and not have a private water well. All the information in the application by MLS is deliberately misleading to acquire the permit. The attorney for MLS is Mr. David Crews who lived and practiced

law in Montgomery County for many years and was previously the State Representative for our area. He knows all too well the development of this area. Since 1997, the date on Mr. Crews maps, there have been several new subdivisions within the 1 mile radius of the proposed landfill site such as Emerson Estates, Crockett Trace, and within 2 miles is Highline Oaks, Majestic Acres and Keystone Trails (Exhibit"F"). There is a day care on Ben Wiggins Rd., 3 churches in Groceville and 1 church slated to begin building soon on Hwy 105 East just east of Crockett Trace. Within the 1.5 mile radius are numerous businesses along Hwy 105 with a new Subway Sandwich Shop due to open soon and a commercial cattle ranch on North Walker Road and a cheese factory (Cheesemakers, Inc.)They are deliberately misleading you. Why else would Mr. Crews have used old maps and data when you can go to any map store and obtain current maps? Because this area is developing and growing, I have also attached a survey done by a reputable company in College Station, Texas, for the Conroe Independent School District in 2003 showing the estimated growth for the subdivisions in that area to be 386 family units by 2012 (Exhibit "G").

MLS held their mandatory meeting with the residents on 4/22/04. There were 675 residents attending. Representing MLS were David Crews, their attorney, and Mr. Horowitz, the engineer. None of the owners attended. Neither Mr. Horowitz nor Mr. Crews could answer all of our questions. Mr. Crew stated that the reason the site on Walker Road was chosen was accessibility for the construction in Montgomery County. He stated "....it was not financially feasible to go more than 30 miles to dump the construction debris." When asked why Harris County would be coming to this site, he replied, "Harris County will not be using this site." The application cover letter clearly states debris will come from 5 counties including Harris County (Exhibit "H"). In a letter from David Crews to our County Judge, Alan "Barb" Sadler, Mr. Crews stated that the "*...construction and demolition waste disposal has become a pressing problem for Montgomery County*" (Exhibit "I"). That being the case, why would we bring waste from 4 other counties into Montgomery County?

The homes around the area of the proposed site have private water wells as their source of water. At the 4/22/04 meeting with MLS, the engineer, Mr. Horowitz, stated that if there ever was a problem that would cause a contamination of the water wells, the residents would be notified in approximately "1 month, maybe 2 months". We were told that if our water wells become contaminated the **applicant** would be responsible. We all know that MLS does not own a bulldozer and as soon as this permit is approved, this site will be turned over to another company who will build and operate the landfill. Are we to believe that the applicant would legally be liable for something that they no longer own? Granting a permit would give them the right to contaminate our water source legally. Then they could put in a commercial water system and force all of us to buy water from them.

Many pieces of land have been obtained for future use or construction and that land is next to the proposed landfill site. What if a school had obtained that land for a future site of a school? Now that school would be next to a landfill.

The proposed area on North Walker Road is an area that has frequent flooding (Exhibit "J"). The site of the proposed landfill is within the 50 year flood plan. There is always water standing on the site of the proposed landfill (Exhibit "K") due to the numerous wetlands spots. Most of the soil is sand and silt. The water has no place to go and if you build a landfill to the height of 227 feet all the water is pushed onto the property where we have our homes. The flooding will become worse and we will then lose all we have worked so hard to achieve. This is another example of all citizens not being treated equally. Our homes are as valuable as those in The Woodlands. Put the landfill in The Woodlands and when it is finished, they can build a TPC on it and maybe they will be able to get the Shell Houston Open back in The Woodlands.

Have you even considered the impact that disturbing the area and digging into the land would create on the fault line and the shifting of the surfaces?

We respectfully request that you deny this permit for (1) the safety of our children, (2) the safety of our water wells, (3) prevention of the congested traffic this landfill will cause, (4) positive development of our area, (5) overburden of our precinct budget, and (6) the violation of the 14th Amendment.

Sincerely,

David Tate
Citizens Against Montgomery Landfill
P. O. Box 7273
Conroe, TX 77305

RESOLUTION
AGAINST
MONTGOMERY COUNTY LANDFILL SOLUTIONS, L.P.

#4
1-26-04

WHEREAS, on December 2, 2002, Montgomery County Commissioners Court passed a resolution in support of Montgomery County Landfill Solutions, L.P. building a type IV municipal solid waste facility on approximately 473 acres of land on North Walker Road, Montgomery County, Texas; and

WHEREAS, the study for the proposed facility was based on a 1997 statistics and information specifically omitted the current development in the existing area that includes approximately 300 homes; and

WHEREAS, North Walker Road is a 21 foot wide road; and

WHEREAS, MSLS is anticipating 239 vehicles per day at start up and 335 vehicles per day at closure and the current peak hour of vehicles per day is 174. MLSL had documented the estimated hourly capacity is 202 vehicles per day. By admission by the applicant (MSLS), this road is not constructed to sustain the traffic volume; and

WHEREAS, additional development in the area is contemplated and in fact platted that would include up to 1000 homes and / or mobiles homes; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 - 15 years AND location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and fatalities would in fact no doubt occur; and

WHEREAS, the proposed land fill site is located within the 50 year flood plain with two active creeks bordering the east and west side. Lawrence Creek and West Fork Spring Branch Creek and construction of such facility in the 50 year flood plain bordered by two creeks would ultimately contaminate water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

WHEREAS, Montgomery County is and continues to be the dumping ground for approximately a six county area but primarily benefits Harris County. It is time for other counties in the immediate region to mutually shoulder the burden of having their proportionate share of landfills that would take construction waste, demolition, debris and household garbage; and

WHEREAS, Montgomery County Commissioners Court on December 2, 2002 was not aware of many of the issues contained in this resolution at the time it supported Montgomery County Landfill Solutions, L.P.; and

WHEREAS, Montgomery County Commissioners Court has fully investigated locations, demographics, and other issues associated with this proposed facility and hereby recommends to the Texas Commission on Environmental Quality that they not approve a permit for any type of landfill on the subject 473 acres of land located on or near North Walker Road, Montgomery County, Texas.

NOW THEREFORE BE IT RESOLVED that Montgomery County Commissioners Court does hereby **RESCIND** it's resolution of December 2, 2002 and does in fact **OBJECT** to the permitting of the proposed facility in Montgomery County, Texas.

Alan B. Sadler, County Judge

Mike Meador, Commissioner, Pct. 1

Ed Chance, Commissioner, Pct. 3

Craig Doyal, Commissioner, Pct. 2

Ed Rinehart, Commissioner, Pct. 4

Attest:

Mark Turnbull, County Clerk

EXHIBIT
A

Motion was made by Bill Oliphant, and seconded by J. D. Roberts that the following Resolution be passed:

RESOLUTION NO. 64

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, CUT AND SHOOT, TEXAS, AGAINST PROPOSED LANDFILL FOR EAST MONTGOMERY COUNTY, TEXAS.

WHEREAS, the Town Council of Town of Cut and Shoot has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and

WHEREAS, the Town Council is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and

WHEREAS, North Walker Road in Montgomery County is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and location of the landfill at its proposed site would be greatly detrimental to the health and welfare of said children and facilities would in fact no doubt occur; and

WHEREAS, the proposed landfill site is located within two separate flood plain areas known as Lawrence Creek and West Fork – Spring Branch Creek and construction of such facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and

RESOLUTION NO. 3-31-04

A RESOLUTION OF THE CITY OF CLEVELAND, TEXAS
AGAINST A PROPOSED LANDFILL FOR
EAST MONTGOMERY COUNTY, TEXAS

WHEREAS, the City Council of the City of Cleveland, Texas has been advised that a license for a landfill of approximately 473 acres of land on North Walker Road in East Montgomery County has been submitted by Montgomery County Landfill Solutions, L.P.; and,

WHEREAS, the City of Cleveland is concerned about the health, safety and welfare of its citizens and other residents in East Montgomery County; and,

WHEREAS, North Walker Road is the only county road that is accessible to the proposed landfill site and is also the only road that is accessible to the many residential neighborhoods located in the immediate vicinity of the proposed landfill facility; and,

WHEREAS, North Walker Road is the picking up and dropping off location for hundred's of school children ages 6 – 15 years and the location of the landfill at its proposed site would be greatly detrimental to the health, safety and welfare of said children; and,

WHEREAS, the proposed landfill site is locate within two separate flood plain areas known and Lawrence Creek and West Fork-Spring Branch Creek and construction of such a facility in these two flood plains would ultimately contaminate the water supply of the Houston area and effect wetlands in Montgomery County, Texas; and,

WHEREAS, the proposed landfill therefore poses a multitude of problems to the residents and other citizens in East Montgomery County, related to health, traffic, safety, pollution, litter and other visual pollution;

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS opposes the proposed landfill by Montgomery County Landfill Solutions, L.P.

PASSED AND APPROVED this 31st day of March, 2004.

Monique McDuffie-Davis

Monique McDuffie-Davis, Mayor

ATTEST:

Kelly McDonald

Kelly McDonald, City Secretary

City of Cleveland Council Members

Mayor Monique McDuffie-Davis
Councilmember Eddie Lowery
Councilmember Durlene Davis
Councilmember Bill McAdams
Councilmember Willie Carter
Councilmember Glen Dodson

Address to:

City of Cleveland
203 E. Boothe Street
Cleveland, TX 77327

CONROE
INDEPENDENT SCHOOL DISTRICT

Dr. Donald J. Stockton
Superintendent

January 23, 2004

Permit No. 2324

To Whom It May Concern:

The intent of this letter is to register the concern of the Conroe Independent School District (District or CISD) regarding the proposed landfill to be built in Montgomery County, within the CISD, on North Walker Road. It is the District's understanding that this new landfill has the potential of serving up to 355 garbage trucks per day and that these trucks will be hauling up to 6 million pounds of garbage into our school district on a daily basis. The health and well being of our students is of the highest priority to CISD. The District, as a landowner in the area, is concerned about the safety issues such a massive operation could have not only on the roadways in the area, but to the drinking water and air. It seems that our county has done its fair share as far as contributing to waste management in the area in that our county is the home of 2 other landfills. Please review the decision of where to place this landfill carefully.

Sincerely,

Donald J. Stockton
Superintendent
Conroe Independent School District

EXHIBIT
B

3205 West Davis • Conroe, Texas 77304-2098 • (936) 709-7808 *(Conroe)* • (936) 441-

The narrow 18' wide North Walker Road.

EXHIBIT

C

ED RINEHART
COMMISSIONER PRECINCT 4
MONTGOMERY COUNTY

P.O. Box 84
New Caney, Texas 77357

Conroe: (936) 521-8919
New Caney: (281) 689-3161
Houston: (281) 354-8985 Ext. 8919
(281) 689-3133 Ext. 8919
Fax: (936) 521-8918

May 20, 2004

Mr. Steve Odil, P.E.
Application Engineer
Texas Commission on Environmental Quality
Municipal Solid Waste Section
MC-124
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P. proposed landfill on North Walker Road

Dear Mr. Odil:

Pursuant to our conversation, please be advised that North Walker Road is an 18' wide road. In my opinion, North Walker Road is very dangerous for truck traffic. Approximately 200 trucks per day will travel North Walker. There are blind spots in the road not to mention that water runs across the road in several places, due to poor drainage in the area.

In addition, I consider the safety of the families and their children living in the area to be a serious matter.

Mr. Odil, please feel free to contact me at anytime to discuss this matter..

Sincerely,

Ed Rinehart
Commissioner, Pct. 4

ER/jl

EXHIBIT
tabbies
D

1.7.1.2 Existing Volume of Vehicular Traffic

Traffic counts were taken by WHM on August 12, 2003, for North Walker Road, north of SH 105 and for SH 105 west of North Walker Road. Automatic tube counts for North Walker Road, north bound and south bound and for SH 105 east and west bound traffic are summarized in Tables 1-2, and 1-3 respectively. The level of service (LOS) for the existing traffic volume is presented in Table 1-4.

1.7.1.3 Traffic Volumes and Capacities

Landfill Traffic Generation and Distribution

The MLSL is anticipated to have a life of approximately 41 years. To determine the approximate distribution of traffic to the MLSL, an anticipated waste stream of 3,000 tons per day (tons/day) or 858,000 tons per year (tons/yr) was used. Based upon this waste stream volume, Table 1-5 presents the estimated daily traffic distribution during the initial year of operations.

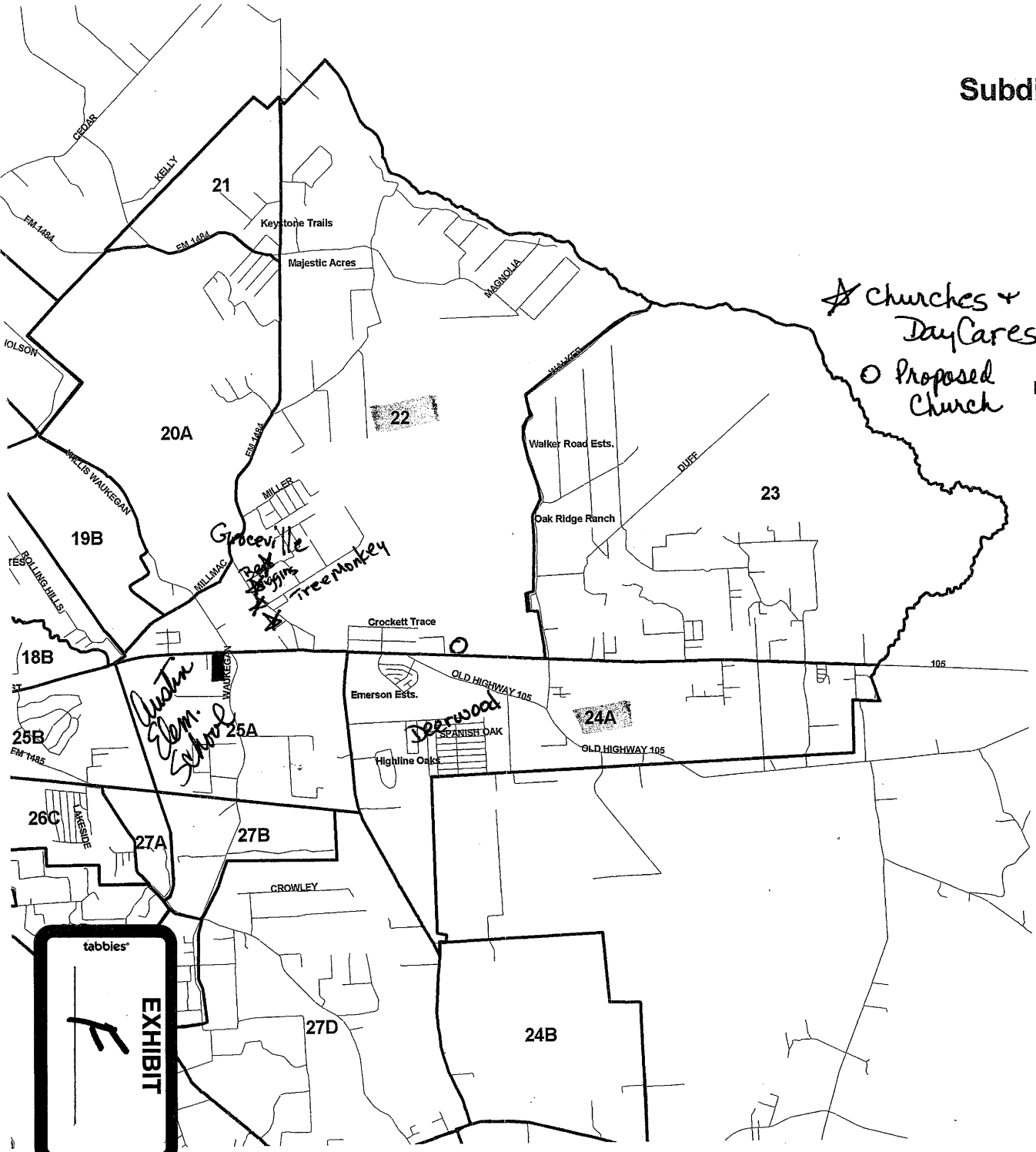
On the basis of the anticipated daily waste volume, it is estimated that the MLSL will receive between 239 vehicles per day (VPD) at start up to 355 VPD at closure.

Traffic Projections

Since it is anticipated that the MLSL will begin operations in 2004, the existing traffic counts were projected to 2004 and to 2045, so that an evaluation of the main access roadways within 1 mile of the property could be performed for the year that the MLSL is anticipated to open and the year the MLSL is anticipated to close. Site traffic volume projections for the MLSL were based on the annual growth rate of waste receipts of 1 percent for the life of the landfill. Non-site traffic was assumed to increase at a rate of 2 percent per year for the life of the landfill, which was based on the traffic volume history of this roadway.

EXHIBIT
tabbies
E

Conroe I.S.D.:
Subdivisions & Planning Units



☆ Churches + DayCares

O Proposed Church

Population and Survey Analysts
303 Anderson
College Station, TX 77840
979-693-8962

N
W E
S

Planning Units
Existing Subdivisions(Green)
New Subdivisions(Magenta)
Streets

Aerial Imagery Copyright:
Landiscor

Consultants

Demographic Update: February, 2003

Districtwide Student Projections, Ratios of Students per Household, Projected Housing Units, and Long-Range Planning

February, 2003

EXHIBIT

tabbies

G

Projected Housing Starts by Planning Unit and Subdivision

C.I.S.D.

Planning Unit	22	22	22	22
	"Groceville"	Crockett Trace-106 lots	Majestic Acres	Keystone Trails
	is a community	platted in 2000; N. of Hwy 105	sec. 2 with 23 lots	2 lots platted in last 5
	that runs along FM 1484 &	& is continuing dev. w/ 17 permits	on the east side of FM 1484	yrs. and new section for
	down to Cut 'n Shoot	last year; this mobile home	11 permits last yr. and 2	65 lots newly platted
	with many scattered homes	development is just E. of	yr. prior;	in 2000; 47 lots
HOUSING	on the Ben Wiggens,Tree	FM 1484 and of Groceville;		were permitted in
STARTS:	Monkey & other roads	50-60 further units can be added		last 3 yrs.
Oct 2002-Oct 2003	0	12	5	14
Oct 2003-Oct 2004	1	14	4	13
Oct 2004-Oct 2005	0	14	3	4
Oct 2005-Oct 2006	0	12	3	0
Oct 2006-Oct 2007	1	0	3	0
Oct 2007-Oct 2008	1	0	2	0
Oct 2008-Oct 2009	0	0	4	0
Oct 2009-Oct 2010	0	0	4	0
Oct 2010-Oct 2011	1	0	4	0
Oct 2011-Oct 2012	1	0	4	0
Oct 2002-Oct 2007	2	52	18	31
Oct 2007-Oct 2012	3	0	18	0
Oct 2002-Oct 2012	5	52	36	31
	0.60	*0.57*	*0.67*	*0.67*

Projected Housing Starts by Planning Unit and Subdivision

C.I.S.D.

Planning Unit	22	22	23	23	24A
	Entire Planning Unit is		Hidden Acres has a large		Emerson Estates-Raybon Land Co.
	subsumed by the National		dev. with many roads		just south of Hwy 105; sec. 1=126 lots;
	Forest		that runs through Natiional		and sec. 2-323 lots; modular home dev.
			Forest over to Peach Creek		which is dense and adding 70
			with many scattered		new homes for each of the past two yrs;
HOUSING			homes on N. Walker Rd. & other		79.35 amd 99 acres for the 2 sec's
STARTS:		TOTAL:	rds N. of St. Hwy 105	TOTAL:	(Powers Engr.-Hal Moyer-756-2500)
Oct 2002-Oct 2003	0	31	0	0	14
Oct 2003-Oct 2004	0	32	0	0	16
Oct 2004-Oct 2005	0	21	0	0	15
Oct 2005-Oct 2006	0	15	0	0	14
Oct 2006-Oct 2007	0	4	0	0	16
Oct 2007-Oct 2008	0	3	0	0	17
Oct 2008-Oct 2009	0	4	0	0	13
Oct 2009-Oct 2010	0	4	0	0	13
Oct 2010-Oct 2011	0	5	0	0	15
Oct 2011-Oct 2012	0	5	0	0	13
Oct 2002-Oct 2007	0	103	0	0	75
Oct 2007-Oct 2012	0	21	0	0	71
Oct 2002-Oct 2012	0	124	0	0	146
	0.70	*x*	*0.67*	*x*	*0.93*

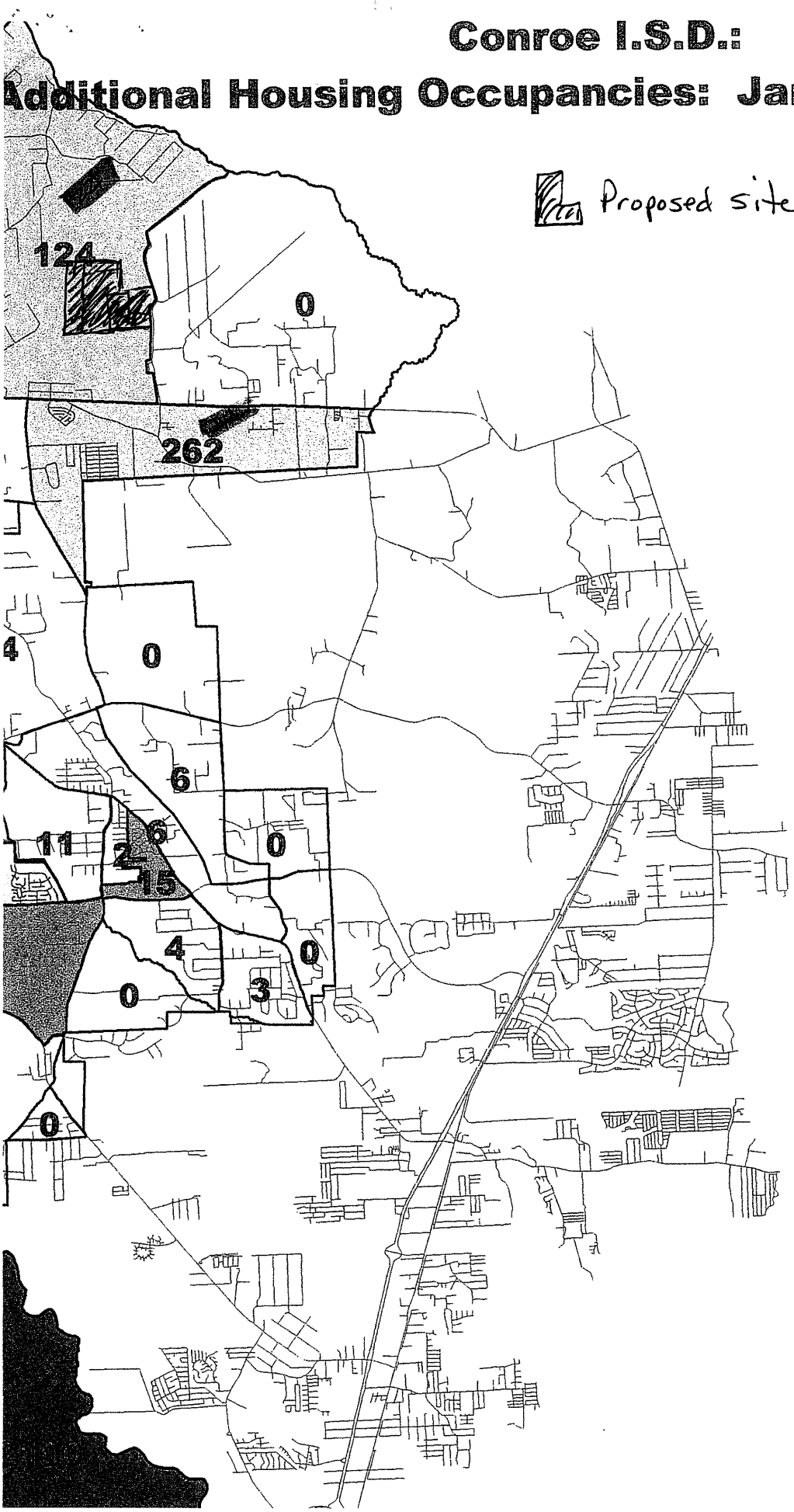
PASA-Population and Survey Analysts

Projected Housing Starts by Planning Unit and Subdivision

C.I.S.D.

Planning Unit	24A	24A	24A	24B	24B
	Deerwood	Highline Oaks	Sam Houston	East off Crockett Martin	
	many streets just south off	sec. 1 - 44 residential lots on 504. ac	National Forest	Rd. - no new homes	
	Old Hwy 105; 47 permits in past	sec. 2 - 65 lots on 81.3 ac.	totally	This PU is far south off	
	3 yrs, w/ ~9 new homes per yr.	K&M Dev. contact 936-539-5200	subsumes	Hwy 105	
	This subdivision has a very	plated in 2000, with 28 permits	this PU	and on the southeastern	
HOUSING	high ratio of students per home	in 2000 and 7 in 2001 and 2002		boundary of the District	
STARTS:	Both mobile homes and site-built		TOTAL:		TOTAL:
Oct 2002-Oct 2003	9	16	39	0	0
Oct 2003-Oct 2004	9	16	41	0	0
Oct 2004-Oct 2005	9	16	40	0	0
Oct 2005-Oct 2006	9	12	35	0	0
Oct 2006-Oct 2007	9	7	32	0	0
Oct 2007-Oct 2008	0	4	21	0	0
Oct 2008-Oct 2009	0	0	13	0	0
Oct 2009-Oct 2010	0	0	13	0	0
Oct 2010-Oct 2011	0	0	15	0	0
Oct 2011-Oct 2012	0	0	13	0	0
Oct 2002-Oct 2007	45	67	187	0	0
Oct 2007-Oct 2012	0	4	75	0	0
Oct 2002-Oct 2012	45	71	262	0	0
	1.30	*0.78*	*x*	*0.78*	*x*

Conroe I.S.D.:
Additional Housing Occupancies: Jan. 2003 - Oct. 2012



Population and Survey Analysts
303 Anderson
College Station, TX 77840
979-693-8962

N
W E
S

Streets
Planning Units
- 0 - 11
- 12 - 43
- 44 - 100
- 101 - 200
- 201 - 364
- 365 - 593
- 594 - 1233
- 1234 - 2246

Metroplex
INDUSTRIES INC.

September 29, 2003
Doc. No. 030405/4601/4601 - Trans Ltr
Job No. 030405-3

Ms. Margaret Hoffman
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087, MC-109
Austin, Texas 78711-3087

Re: Submittal of TCEQ MSW Permit Application
Proposed MLS Type IV Landfill
Montgomery County, Cut-N-Shoot, Texas

Dear Ms. Hoffman:

Attached, please find one original three copies of the Permit Application for the proposed MLS Type IV Landfill in Montgomery County, Texas.

This Permit Application will be for an undeveloped site approximately 1 mile east of Cut and Shoot, Texas in eastern Montgomery County. The Landfill will be a Type IV for the disposal of construction and demolition debris, and other non-putrescible waste.

The service area for the proposed landfill will be Montgomery, San Jacinto, Waller, Liberty, and Harris Counties. The landfill is expected to accept approximately 3,000 tons per day when opened with an estimated site life of approximately 41 years.

We appreciate your assistance in this matter. If you have any questions pertinent to the contents of this letter, please contact the undersigned at 281-440-5503.

Sincerely,

METROPLEX INDUSTRIES, INC.

Gary R. Horwitch, P.E.
Vice President

Received by: _____ Date Received: _____

14423 Cornerstone Village Drive • Houston, Texas 77014 • 281-440-5503 fax 281-444-3376

EXHIBIT
H

DAVID W. CREWS,
ATTORNEY AT LAW
1915 N. Frazier, Ste. 103
Conroe, Texas77301
(936) 756-1111

August 15, 2002

Honorable Barb Sadler
County Judge
Montgomery County

Dear Judge Sadler:

Enclosed is a resolution re: a permit application of Montgomery Landfill Solutions, L.P. (MLS) for a Type IV municipal landfill in Montgomery County, which will be filed with the Texas Natural Resource Conservation Commission. The tract referred to in the resolution is located in Commissioner Rhinehart's precinct, north of SH105 and near the San Jacinto County line.

A Type IV landfill is authorized to take rubbish, construction-demolition waste, brush, etc. A TNRCC Type IV description is also enclosed. Please note that a Type IV landfill is not permitted to receive any putrescible materials or household garbage.

After further investigation of the waste disposal situation, MLS has confirmed that construction and demolition waste disposal has become a pressing problem for Montgomery County. The combined building permits issued in 2001 by Montgomery County, the City of Conroe, the City of Shenandoah and the City of Oak Ridge North for new construction projects were valued at slightly less than One Billion Dollars. Consequently, this application is for a Type IV permit to help fill this need.

Should you have any further questions or comments, please feel free to contact me. The permitting process is quite lengthy and my client would like to proceed with the application, so I plan to ask for the resolution to be on your agenda for your first meeting in September if no objection is raised.

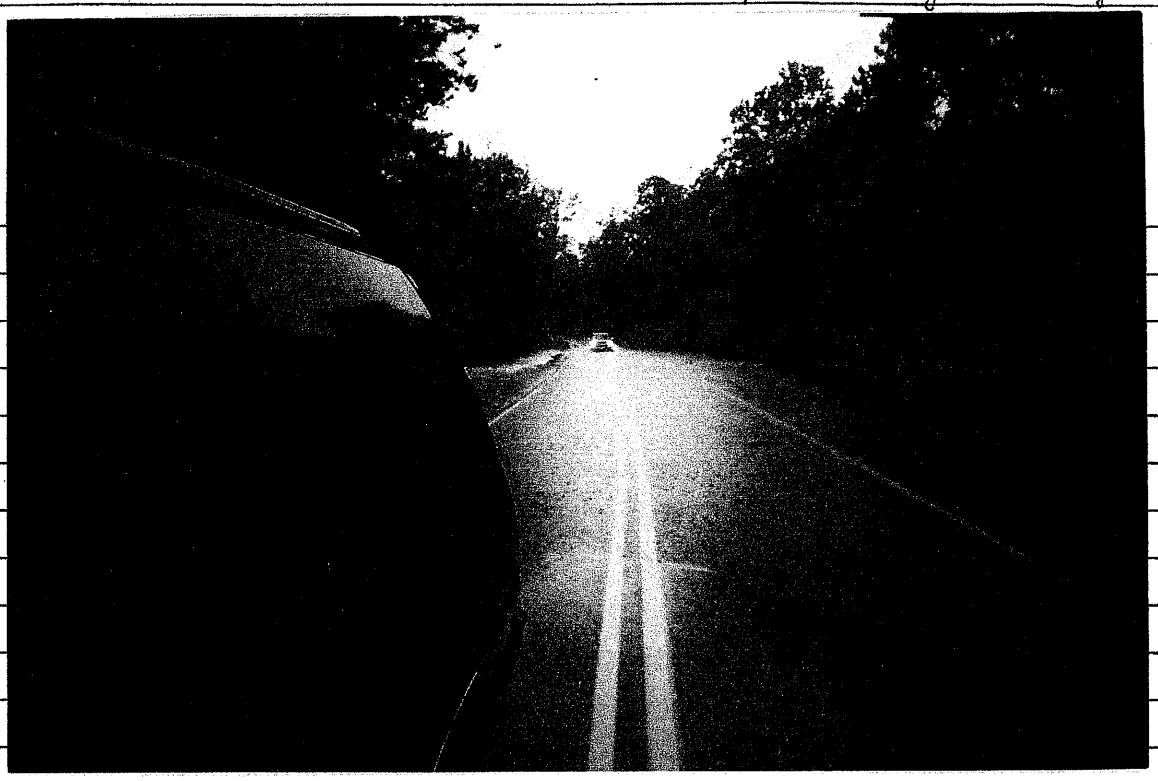
Thank you for your consideration of this matter. If you desire further information, please contact me.

Yours truly,

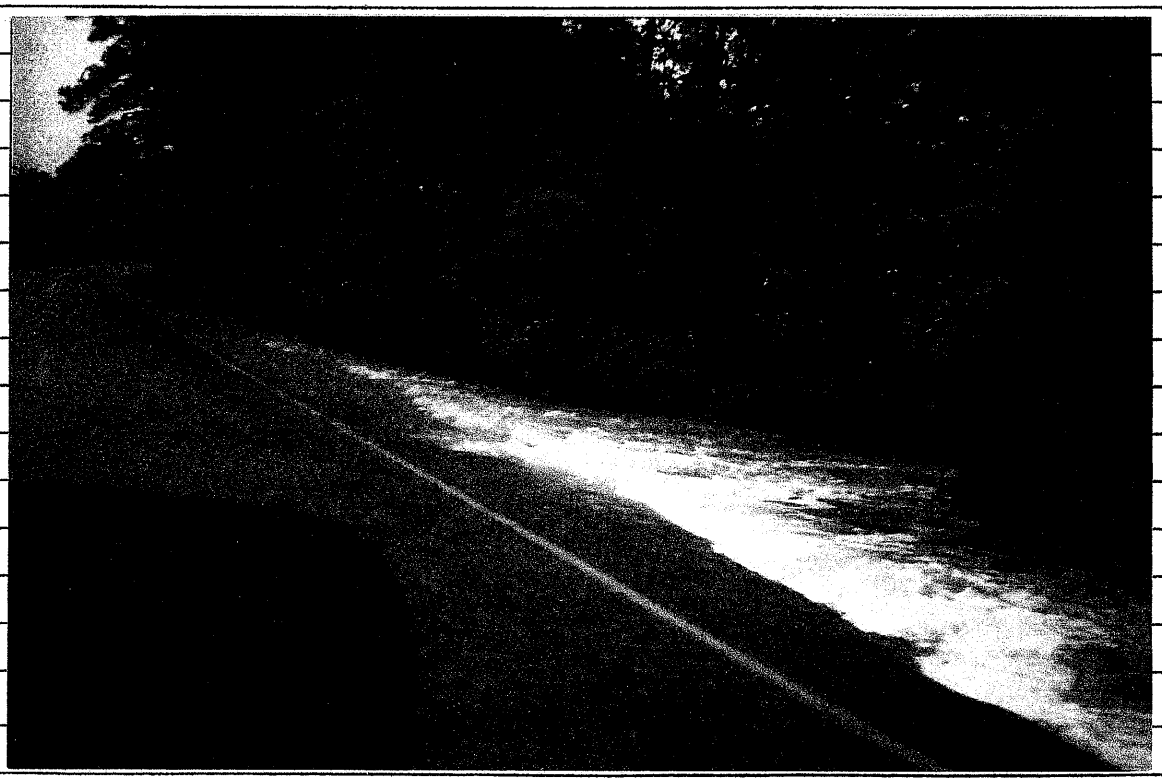
David W. Crews

EXHIBIT
tabbies
I

Pictures were taken on 5/1/04 - Saturday morning during a rain.



North Walker Road at the proposed landfill site.



North Walker Rd - 3761 - at landfill site. Water flows across the street South and South East of the landfill.

EXHIBIT

J

EXHIBIT

tabbies

K

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

JUN 01 2004

BY

2004 JUN -1 AM 10: 47

CHIEF CLERKS OFFICE

May 4, 2004

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Proposed Permit # 2324

Dear Chief Clerk:

I wish to voice my opinion on the landfill to be put in Montgomery County on North Walker Road by Montgomery Landfill Solutions, L.P. **I object to this landfill.**

Someone has to protect our children. No matter what their address and zip code, they still matter. An offer was proposed by David Crews (acting attorney for MLS) to pitch in a portion of the monies to widen N. Walker Road a couple of feet where right now it is only about 18' wide in places. There are no sidewalks and not even 1' of space in some places by the ditches for the kids to wait for the bus. That road is winding and has dangerous curves and hidden spots. One garbage truck per minute is just flirting with disaster.

That still will not solve the problem. The blood will still be on our hands no matter how nice the road looks. At the very least the landfill applicant should make an alternative entrance from Hwy 105.

I believe that we have opportunities every day to make a difference with our lives. I believe this is a defining moment.

I thank you from the bottom of my heart for your time and ask you to assist us in helping to try to protect the children.

Sincerely,

John Tate

1230 So. Frazier #171
Conroe Tx. 77301

I am requesting that the TCEQ public hearing on this application be held in Montgomery County, TX. I am also requesting that we be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or wastewater discharge application in Montgomery County.

John Tate, Jr.
1230 So. Frazier, Apt.# 171
Conroe, TX 77301

HOUSTON TX 77
PM
27 MAY
2004

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

RECEIVED
JUN 01 2004
TCEQ

78711+3087 12

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

MAY 27 2004

BY

2004 MAY 27 AM 9:54

CHIEF CLERKS OFFICE

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, waste water discharge application in Montgomery County, Texas.

Sincerely,

Signature

JOHN D. TATE

Printed Name and Address

15378 JODY LN.

CONROE, TX 77303

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:46
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, waste water discharge application in Montgomery County, Texas.

Sincerely,

Signature

JOHN D. TATE

Printed Name and Address

15378 JODY LN.
CONROE, TX 77303

OPA
APR 30 2004
BY

From: PUBCOMMENT-OCC2
To: waste
Date: 3/25/2009 2:07 PM
Subject: Re: Fwd: Public comment on Permit Number 2324
Place: PUBCOMMENT-ELD

MSW
378e8

>>> PUBCOMMENT-OPA 3/23/2009 4:13 PM >>>
H

>>> PUBCOMMENT-OCC 3/23/2009 8:22 AM >>>

3/21/2009 3:28 PM >>>

REGULATED ENTY NAMEMONTGOMERY LANDFILL SOLUTIONS
RN NUMBER:RN104006879
PERMIT NUMBER:2324
DOCKET NUMBER:2005-1371-MSW
COUNTY:MONTGOMERY
PRINCIPAL NAME:MONTGOMERY LANDFILL SOLUTIONS LP
CN NUMBER:CN602494320
FROM
NAME: Rhonda Tate

COMPANY:
ADDRESS:15378 JODY LN
CONROE TX77303-3920
PHONE:
FAX:
COMMENTS: March 21, 2009 Ms. La Donna Castañuela Office of the Chief Clerk MC 105 Texas Commission on environmental Quality 12100 Park 35 Circle Austin, Texas 78753 RE: Montgomery Landfill Solutions Permit #2324 Dear Ms. Castañuela: This letter is in response to the Executive Directors Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing to be held in Montgomery County. I am a member of Citizens Against Montgomery Landfills, a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill. I own a home 2 1/2 miles west of the proposed landfill and my address is 15378 Jody Lane, Conroe, TX 77303. I live near the community of Cut N Shoot. I use my property for residence and home gardening . I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim

MW

asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills. The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing: Comment 2 - Alternative Language Notice Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility. Comment 4 - State and Local Government Involvement Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility. Response 4: Continued Montgomery County Commissioners Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill. HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding. Comment 6 General Comments about Process Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ. Comment 7 - Environmental Public Defender Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not. Comment 11 - Location and Community Need Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities. Comment 13 - Ownership Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest

to a contractor. Thus the applicants degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved. Comment 15 - Land Use Compatibility Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community. Comment 16 - Access and Community Safety Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area. Comment 24 - Floodplain maps Response 24: The applicants estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain. Comment 25 - Flooding Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site. Comment 26 - Liner Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site. Comment 27 - Water and Soil Contamination Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. Comment 32 - Air Pollution Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design. Comment 33 - Property Value and Area Development Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates. Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Directors Response to Comments for MSW permit # 2324. Sincerely, Rhonda S. Tate 15378 Jody Lane Conroe, TX 77303

MSW 37868

OPA

PM

JAN 17 2008

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 17

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The **new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ** in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's **amendment has increased the number of waste vehicles into the proposed site** and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has **failed to provide sufficient information to demonstrate compliance with TCEQ rules** regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has **failed to provide sufficient information to demonstrate compliance with TCEQ rules** that natural drainage patterns will not be significantly altered.

The Applicant has **failed to provide sufficient information to demonstrate compliance with TCEQ rules** about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has **failed to provide sufficient information to demonstrate compliance with TEQ rules** that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has **failed to provide adequate information to demonstrate compliance with TCEQ rules** regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant **has not demonstrated that no surface water or run-on water containing pollutants will escape the site** and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. **HGAC also stated that the Applicant should demonstrate** that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant **has not provided adequate information about groundwater and aquifer conditions** at the site.

MW

The **Applicant has not addressed a comprehensive groundwater monitoring plan** for the s. sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has **failed to provide adequate information that documents all wells**, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill **aerial buildup is 200 feet above the surface of the ground**. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has **failed to adequately quantify growth in the Security/Midway area.**

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant **has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.**

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has **failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.**

The Applicant has **failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.**

The Applicant has **failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.**

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Rhonda S. Tate
Address- 15378 Jody Lane, Conroe, TX 77303
Phone- 936.709.7700

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - Destroying the aquifer which will contaminate my water well; traffic on HWY 105 will increase tremendously resulting in more accidents and deaths; air quality – fumes and smell; prevent growth of businesses in the area and ultimately creating a slum area for the county since this will be the 3rd landfill within an 8-mile radius (the 2nd within a 2 mile radius); the proposed landfill will be bringing in trash from 5 counties and the largest amount will be from Harris County. Harris County should get their own landfill; the proposed trees surrounding the site will not hide the landfill because it is proposed to be the height of the Anadarko Building in The Woodlands. As a government entity set forth to protect the citizens of Texas...tell me how this will be good for our area.

Sincerely

Rhonda S. Tate

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

L LAZY J RANCH

JOHN & LEAH SMITH
15787 MILLER ROAD
CONROE, TEXAS 77303

RECEIVED
JAN 16 2008
TCEQ MAIL CENTER

N HOUSTON TX 773

14 JAN 2008 PM 2 T

MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

MSW 37868

OPA

PM DEC 14 2007

H BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC 13 PM 2:52

CHIEF CLERKS OFFICE

December 10, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

MW

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is not adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill would not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek, which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater-monitoring plan for the site sufficient to protect the affected neighborhood down gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20-story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Rhonda Tate
Address-15378 Jody Lane Conroe, Texas 77303-3920
Phone-936 264-2877

Distance from proposed site- 4 miles but I use Hwy 105 daily

SH 105 is now considered by the Texas Department of Transportation as the most dangerous road in Montgomery County. Now add an additional 400-500 huge 18 wheel trucks to that. I am very concerned if this application were to be approved the numbered of people that would die because of disease and accidents in and around the proposed site would rise tremendously. The applicant has been deceptive and less than honorable through the whole process. We have had 2 public hearings and the owner would not appear. The attorney that was there refused to answer the questions any of the citizens had. Now we have to hold another public hearing and again request a contested case hearing. I have serious reservations about MLS ability or desire to follow TCEQ rules. This location site is flawed and dangerous for the community. Not only traffic but there is a problem of flooding, contamination of our water wells, smell, toxic fumes (after receiving a Type 4 permit they will quickly ask for a Type 1 and then flip the whole thing over to BFI), a trash heap taller than the Anadarko Building in The Woodlands, and danger to the children in this subdivision who wait for the school bus in the dark along that narrow Walker Road.

Sincerely,

Rhonda Tate

Rhonda Tate

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton and US Senator Tommy Williams

Rhonda S. Tate
15378 Jody Lane
Conroe, TX 77303

RECEIVED
DEC 13 2007
TCEQ MAIL CENTER
AJ

N HOUSTON TX 773
11 DEC 2007 PM 4 T

HAPPY HOLIDAYS
41 USA

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

78711-3087

PM OPA
H DEC 03 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC -3 AM 10: 26
CHIEF CLERKS OFFICE

MSW 37868

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The **new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ** in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's **amendment has increased the number of waste vehicles into the proposed site** and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has **failed to provide sufficient information to demonstrate compliance with TCEQ rules** regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has **failed to provide sufficient information to demonstrate compliance with TCEQ rules** that natural drainage patterns will not be significantly altered.

The Applicant has **failed to provide sufficient information to demonstrate compliance with TCEQ rules** about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has **failed to provide sufficient information to demonstrate compliance with TEQ rules** that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has **failed to provide adequate information to demonstrate compliance with TCEQ rules** regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant **has not demonstrated that no surface water or run-on water containing pollutants will escape the site** and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. **HGAC also stated that the Applicant should demonstrate** that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant **has not provided adequate information about groundwater and aquifer conditions** at the site.

MW3

The **Applicant has not addressed a com, hensive groundwater monitoring plan** for t te sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has **failed to provide adequate information that documents all wells**, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill **aerial buildup is 200 feet above the surface of the ground**. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has **failed to adequately quantify growth in the Security/Midway area.**

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant **has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.**

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has **failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.**

The Applicant has **failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.**

The Applicant has **failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.**

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Rhonda S. Tate
Address- 15378 Jody Lane, Conroe, TX 77303
Phone- 936.709.7700

Distance from proposed site- 2 miles

Negative impact to my health, safety and property will be - Destroying the aquifer which will contaminate my water well; traffic on HWY 105 will increase tremendously resulting in more accidents and deaths; air quality – fumes and smell; prevent growth of businesses in the area and ultimately creating a slum area for the county since this will be the 3rd landfill within an 8-mile radius (the 2nd within a 2 mile radius); the proposed landfill will be bringing in trash from 5 counties and the largest amount will be from Harris County. Harris County should get their own landfill; the proposed trees surrounding the site will not hide the landfill because it is proposed to be the height of the Anadarko Building in The Woodlands. As a government entity set forth to protect the citizens of Texas...tell me how this will be good for our area.

Sincerely

Rhonda S. Tate

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

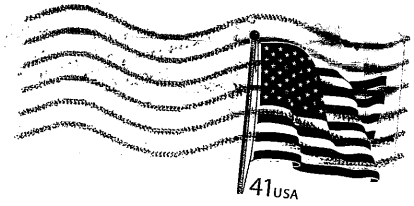
Pray For Our President!

Rhonda Tate
3205 W Davis
Conroe, TX 77304

www.presidentialprayerteam.org

N HOUSTON TX 773

30 NOV 2007 PM 2 L



Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
DEC 03 2007
TCEQ MAIL CENTER
RB

78711+3087

August 10, 2004

PM
H

OPA
AUG 23 2004
BY

37868
MSW

Office of the Chief Clerk
MC105, TCEQ
P. O. Box 13087
Austin, TX 78711-3087

Re: Public Hearing for Permit 2324

Dear Chief Clerk:

I am officially protesting the way the public hearing was conducted Monday night in Montgomery County for Permit # 2324. The meeting was to begin at 7 p.m. and at 6:50 p.m. there was a large crowd in the lobby and no one was allowed to go to the 6th floor due to the crowd on the 6th floor being at Fire Code capacity of 170. There was another 150 people downstairs with many more arriving. There was no place to sit except outside on the steps of the building in the heat, no bathroom facilities and no entrance for handicapped. When Mr. John Williams approached the crowd in the lobby saying that we could go up one at a time as someone from upstairs came down, we requested the meeting be taken to the parking lot across the street so all could attend the meeting at the same time. Mr. Williams refused with the reason being there was no electricity for the microphones. The informal session was completely canceled due to the crowd.

We have written you before stating how MLS and their attorney David Crews have purposely misled you in all aspects of the application. You allowed him to arrange a venue for this meeting where there was not enough room. You were contacted by State Representative Ruben Hope to have MLS arrange to use the Lone Star Convention Center where there was ample space. We informed you to have Mr. Crews request the Caney Creek High School again (he was denied the first time due to previous bookings). You ignored our request and allowed Mr. Crews and MLS to take control of the situation. Then you canceled the informal session which would have given all of the residents the chance to ask questions and hopefully receive answers from MLS. [Please remember the applicant did not attend the public meeting a few months ago leaving us with unanswered questions already.] Now we are still without answers because YOU canceled the informal session. You have allowed the applicant to control the whole process from the beginning of the application. YOU are the agency who is to protect the residents' water and air and you are conducting yourself like an extension of industry rather than a Federal agency to protect our clean air and water.

bd

I am requesting another public hearing where all may attend and get answers to all their questions at the same time. I am also requesting a contested hearing be held in Montgomery County and again holding this contested hearing in a public place large enough to hold all the residents who wish to attend.

Attached is the speech I was prepared to present Monday night. Your representative form Public Assistance (I believe her name was Tara) said to send our speeches to your office and they would be added to the record for the contested hearing.

Sincerely,

Rhonda S. Tate

Rhonda S. Tate
15378 Jody Lane
Conroe, TX 77303-3920
936-264-2877

cc: Ruben Hope, Todd Staples, Barb Sadler, Ed Rinehart

Attachments

Thank you for allowing me to speak to you this evening.

The area around the proposed landfill site has many subdivisions that have been developed since 1997. Many of us here tonight have worked hard for several years to bring business and families to our area. Here are photos of all the new housing developments around the proposed landfill site (Exhibits "A"). We have a shopping center, service station, churches, and even day cares that were in the planning before the application for permit 2324 was ever filed (Exhibit "B"). The proposed landfill has halted all development due to the businesses and families fearing the traffic and the contamination of the water wells. We have numerous commercial food establishments in the area using well water (Exhibit "C"). There is a public elementary school and a day care and 2 churches just outside the 1 mile perimeter of the proposed site (Exhibit "D").

My talk with you tonight is more far reaching than development. I hope to help you understand the environmental racism that is occurring. Race is a major factor related to the presence of hazardous wastes in residential communities throughout the United States.

When looking at the residential developments in the area near the proposed landfill, Deerwood, Emerson Estates, Kellyn Oaks, Crockett Trace and the Keystone Trails, we find most of the residents living in these subdivisions are Hispanic. Deerwood alone has 385 families and 95% are Hispanic and 80% of those do not speak English. The three school districts in the area around the proposed site are Cleveland ISD, Splendora ISD and Conroe ISD. These three schools together have an average of 20% Hispanic. Then we look at the economically disadvantaged. For these three school districts, the average economically disadvantaged percentage is 39.2% (Exhibit "E"). A recent study shows that the anticipated growth in this area is just south of Hwy. 105 from Crockett Martin Road in to the Cleveland area (Exhibit "F").

Racism clearly limits quality-of-life options, such as with redlining and exclusionary zoning. MLS uses an economic efficiency argument that would have waste facilities located where they pose the least risk to the general population, have the lowest operation expenses, and afford the smallest opportunity cost for alternate land uses. They want you to believe this is an ideal excuse for siting this facility where it is

currently proposed, namely in a poor rural area with low response capacity, be they Hispanic, African American, Asian, or White.

However a precedent has been set in Kettleman City, California. There a large percentage of the residents are Latino and typically non-English speaking. Residents recently won a civil rights court order blocking the siting of a landfill. The courts found evidence of discrimination when the county officials and project sponsors failed to translate hearing notices and testimony into Spanish.

In 1994, President Bill Clinton signed Executive Orders for Federal Actions to Address Environmental Justice in Minotiry Populations and Low Income Populations. The order states it "...is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. It further states, "... Each Federal agency shall ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning..."

The EPA's Office of Environmental Equity has since been renamed the Office of Environmental Justice. Notwithstanding, equity in

allocation and protection remains central, with the EPA striving to assure that "No segment of the population, regardless of race, color, national origin, or income, as result of the EPA's policies, programs, and activities, bears disproportionately high and adverse human health and environmental effects, and all people live in clean and sustainable communities" (U.S. EPA,1994, p. 3).

The Hispanic population near the landfill is just now becoming aware of the landfill due to the fact that MLS has not translated notices nor the application in Spanish. Tonight we, as citizens, have provided our own translator in Epsanol.

This landfill will be the 3rd landfill within an 8 mile radius plus we have a transfer station on FM 1485. All this traffic will travel along 2 lane county roads from all directions and will emit a constant discharge of fumes and noise. This traffic poses a danger as these trucks past 11 public schools every day going to and from the landfills. Now you want us to contend with an additional landfill with an additional 355 trucks daily. Plus this additional amount will travel into a residential subdivision with only one way in and one way out.

All over the US there have been good communities that are now gone due to waste areas turning into toxic dumps and rendering the communities to nothing. Don't let this happen to the beautiful area of East MC. Don't allow the "clustering" of landfills in this area. We well be plagued by more noise, smells, fumes and intense 24-hour traffic to and from our neighborhood. This community has worked for many years to encourage development of subdivisions and businesses. Just when things are going in the right direction, we are hit with this eyesore that will undoubtedly cause us health problems and the loss of our water wells and will surely cause a decrease in our property values and halt all development. Don't allow this environmental racism. You are to make sure that we have clean air and water.

Nobody has the right to get rich at the expense of other people's health."

I am pleading with the TCEQ tonight. Do not compound the problem by seeing yourselves more as an extension of industry than watchdogs for clean air and water.

Thank You

Rhonda D. Hale
15378 Jody Lane
Conroe, Tx. 77303

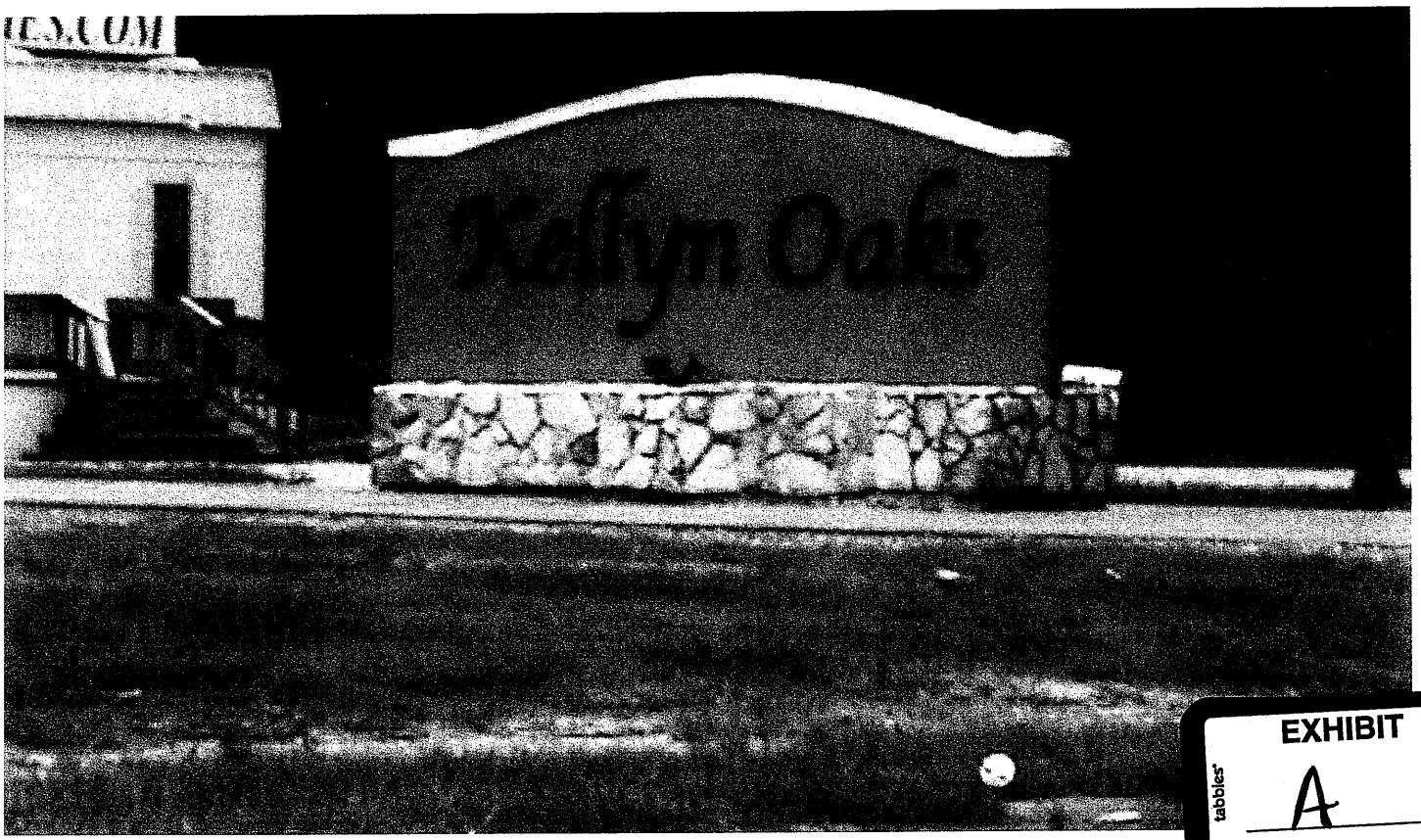
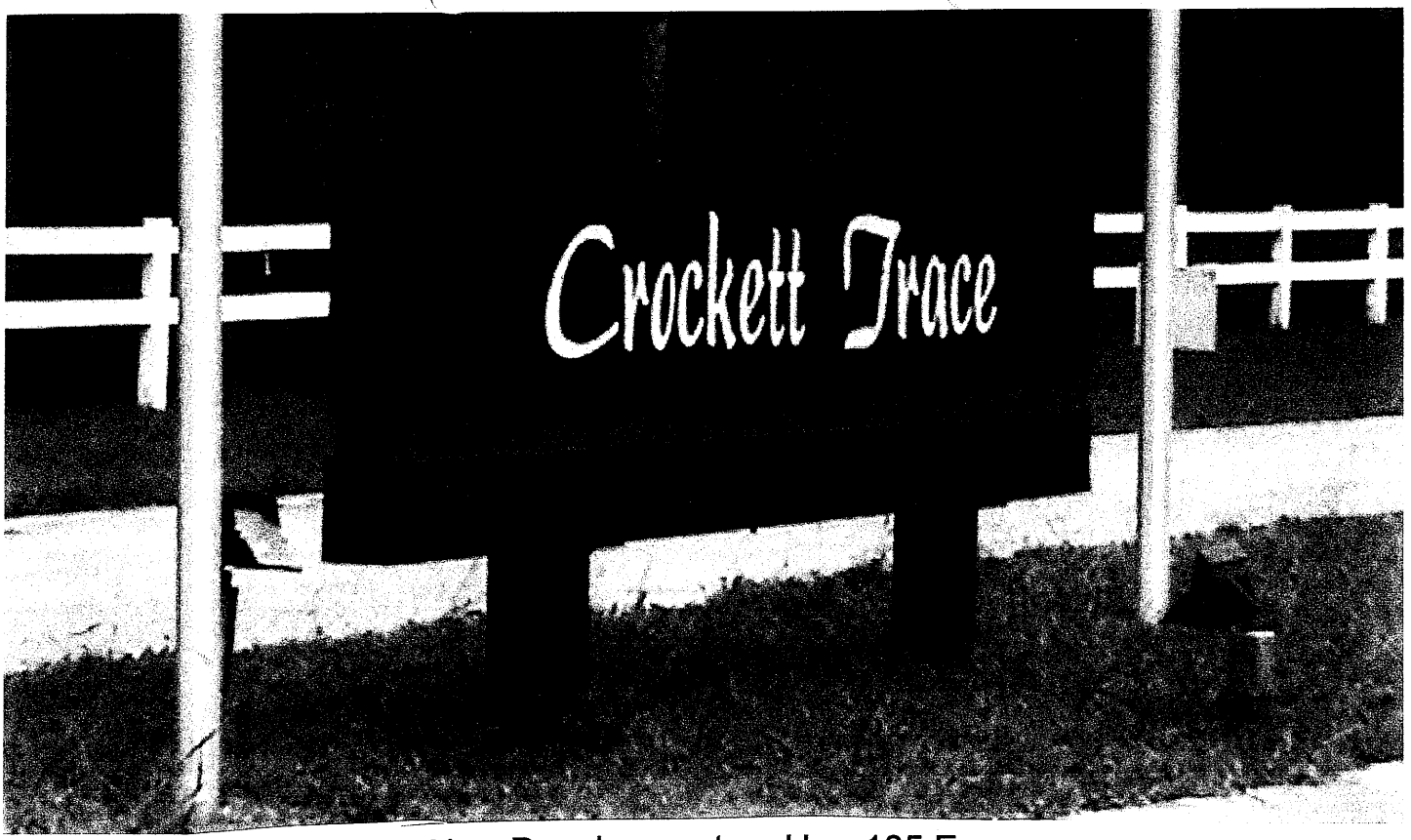


EXHIBIT
A

New Development on Hwy 105 E.



New Development on Hwy 105 E.

Future Businesses and Day Cares Already Planned

EXHIBIT

B

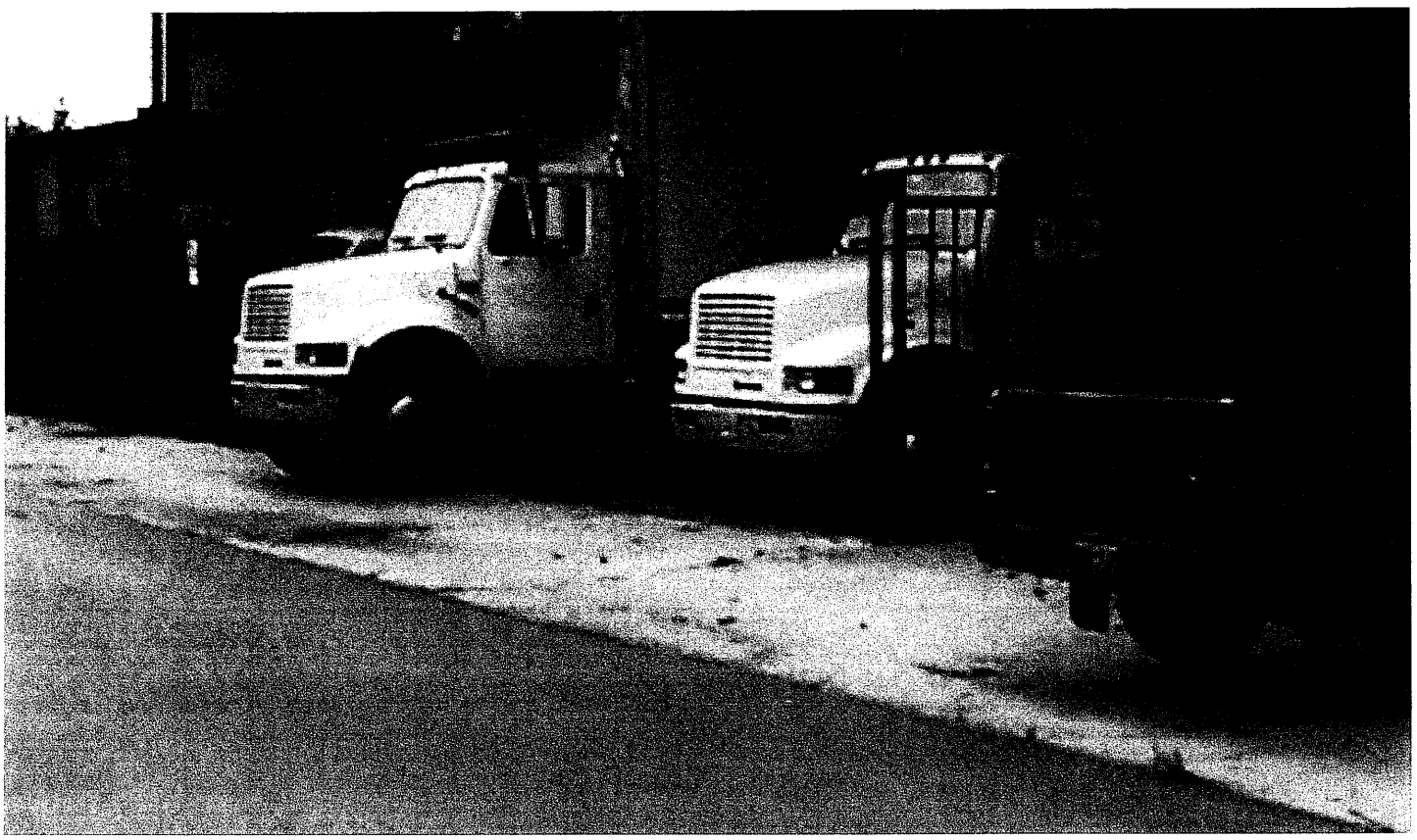
Eatery at intersection of Hwy 105 E. & Crockett Martin Road

Eatery on Hwy 105

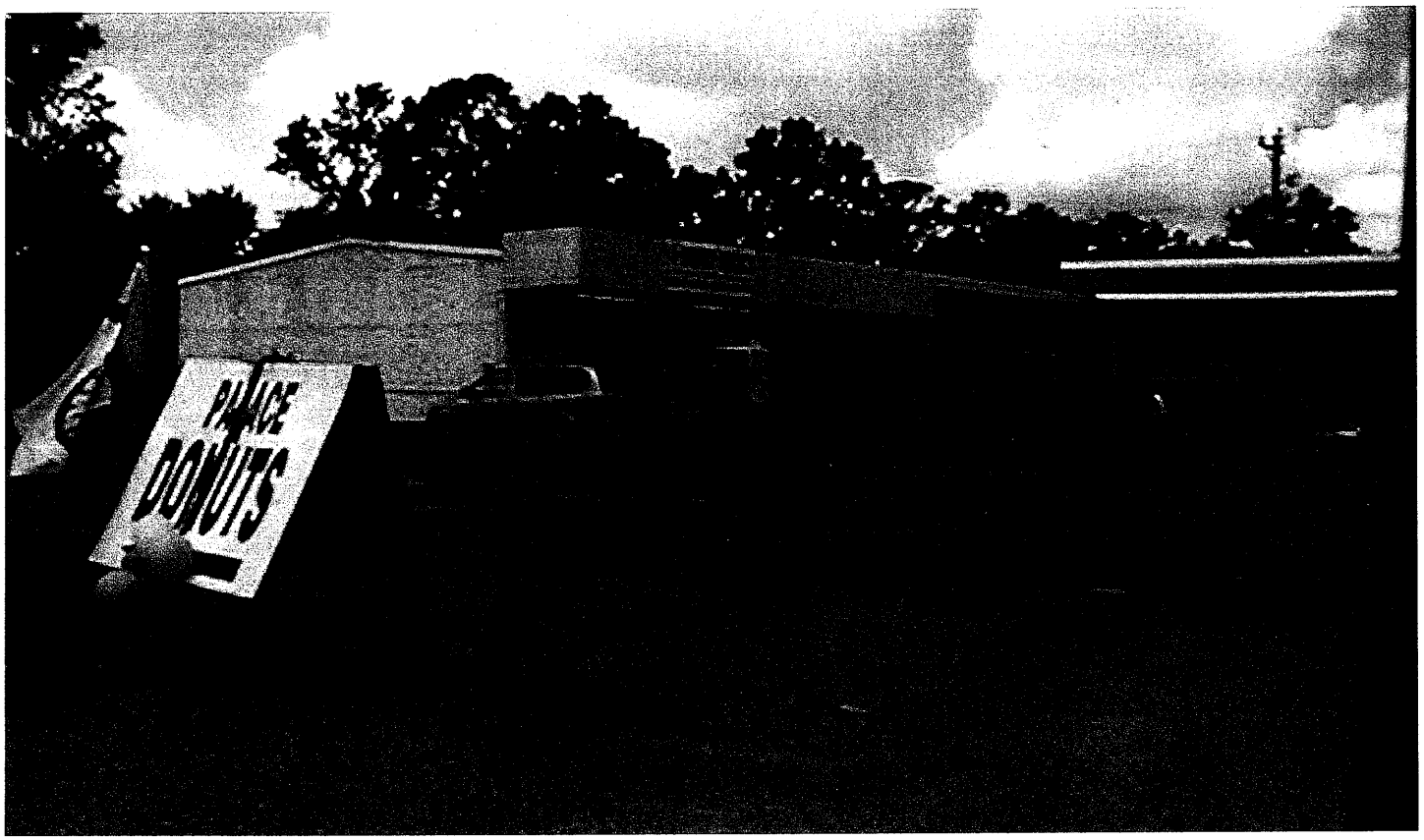
EXHIBIT

C

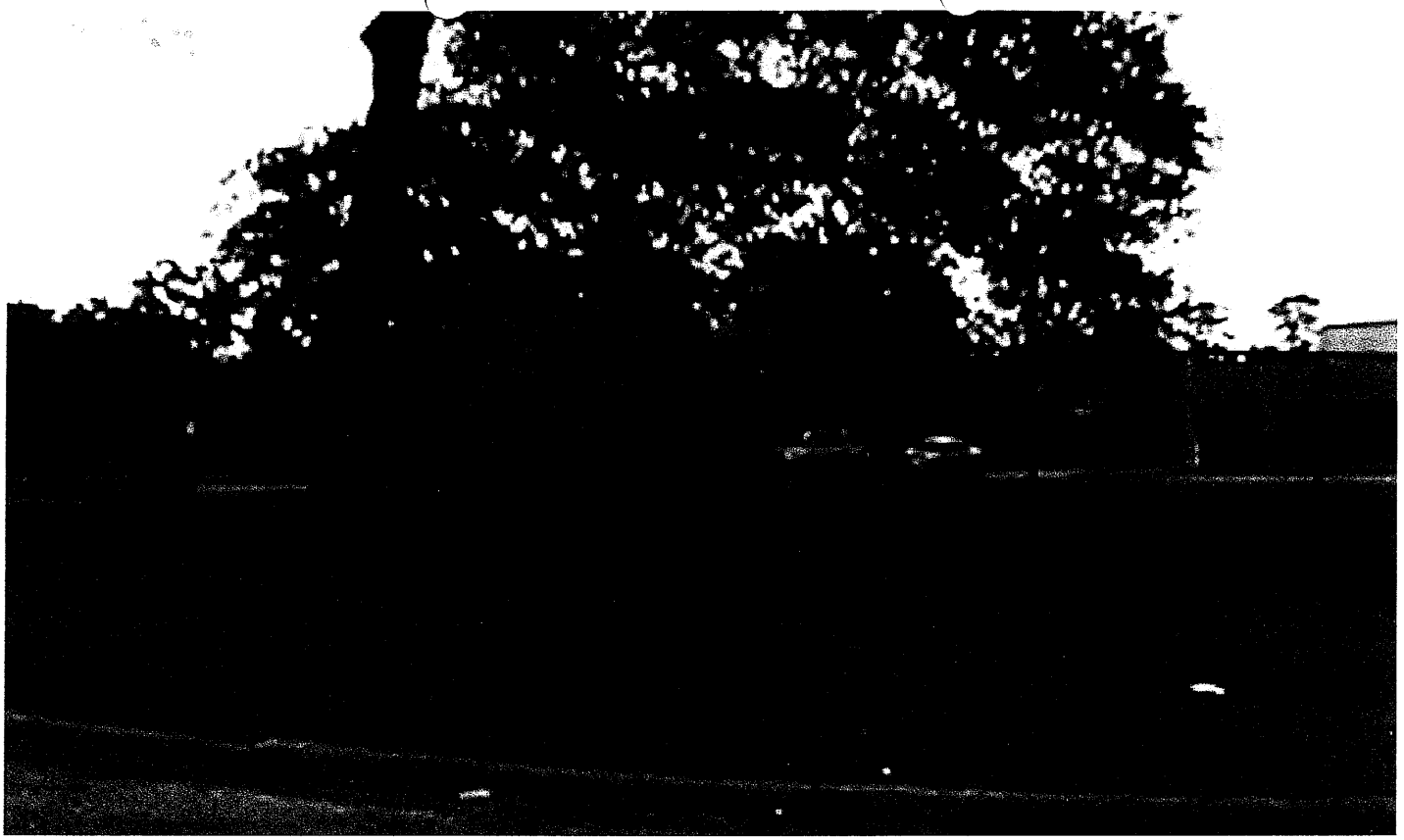
Producers of Food - Walker Road



Cheesemakers, Inc. on S. Walker Rd.



Eatery at intersection of Hwy 105 E. & Walker Road



Austin Elementary on Hwy 105

All Day Daycare on Wiggins Road

EXHIBIT

D

Demographics

2003-2004

CONROE INDEPENDENT SCHOOL DISTRICT

Size, Students, Schools

- 39,150 students
- 348 square miles
- 45 schools
- Ethnic breakdown ..... *White* *71.95%*
  Hispanic *19.97%*
  African American *5.34%*
  Other *2.27%*
- Economically disadvantaged 28.2%
- Drop-out rate 5%

Financial

- $228,789,081 million annual budget
- $1.7325 tax rate

Employees

- 2,659 professional teaching staff
- 1,946 support staff
- 431 administrative/non-teaching
- 5,036 total full-time employees

Transportation

- 384 buses
- 329 bus routes with over 1,100 runs
- 29,000+ miles per day, transporting over 26,000 students daily

Growth

- Increase of 1,200 - 1,600 students per year.
- 53,000 students projected by year 2012.

EXHIBIT

tabbies

E

9/19/03

Splendora ISD

All Splendora Independent School District graduates will be responsible learners, competitive workers, and productive citizens in a global community.

Quality Indicators

- Collaboration in the community is high. On May 4, 2002 the community passed an $18.7 million bond for a new high school. It is planned to open in August 2004.
- All Splendora ISD graduates receive a $1,000 scholarship from the East Montgomery County Improvement District (EMCID) to use at any school in the North Harris Montgomery Community College District.
- Splendora High School was named "Recognized" by the Texas Education Agency for its high TAAS scores.
- Communication is important at Splendora ISD, *Success*, the district newsletter, is published six times a school year to keep the community up-to-date with all the happenings in the district. In addition, campus newsletters go out weekly to keep parents informed.
- Splendora High School received an additional acknowledgement for the number of students graduating on the Recommended High School Program.
- Splendora ISD formed its own police department to ensure a safe learning environment for its students and staff.
- Our facilities are well maintained. Our current high school was completed in 1992 and is still one of the premier 3A schools in the area. Our elementary, intermediate, and middle schools have received renovations and additions in 1996 and 1999 respectively.

Board District Goals

- Achieve Exemplary Status
- Attract and retain highly-qualified personnel
- Increase the effective use of technology
- Be proactive in facility planning
- Ensure academic success toward graduation and post-graduation endeavors
- Ensure effective communication within the district
- Provide a safe learning and working environment
- Engage students and employees in healthy lifestyle choices

Demographics (Information taken from the 2002-03 AEIS Report)

Size	72 square miles	
Students	3,021	
Total Staff/Teachers	450/199	
Schools	4	
Operating Budget	$19.3 million	
Tax Base	$196 million	*01 cent on the tax rate generates about $19,000*
2003-04 Tax Rate	$1.73	*.23 debt service* *1.50 maintenance/operations*
Ethnicity	White	87.4%
	Hispanic	11.4%
	African American	0.7%
	Asian/Pacific Islander	0.2%
	Native American	0.3%
Economically Disadvantaged	47.4%	
Limited English Proficient	3.6%	
Teacher Years of Experience	12.6%	beginning teachers
	27.8%	1-5 years
	13.7%	6-10 years
	24.7%	11-20 years
	21.3%	over 20 years

Updated February 2004

PRF5D016
V 4.1.1

PEIMS EDIT+ REPORTS DATA REVIEW

Wednesday 01/07/04 2:51PM
Page 1

Student Data Review

2003 - 2004 Fall Collection

Filename: F4146901
District: 146901 - CLEVELAND INDEPENDENT SCHOOL DISTR

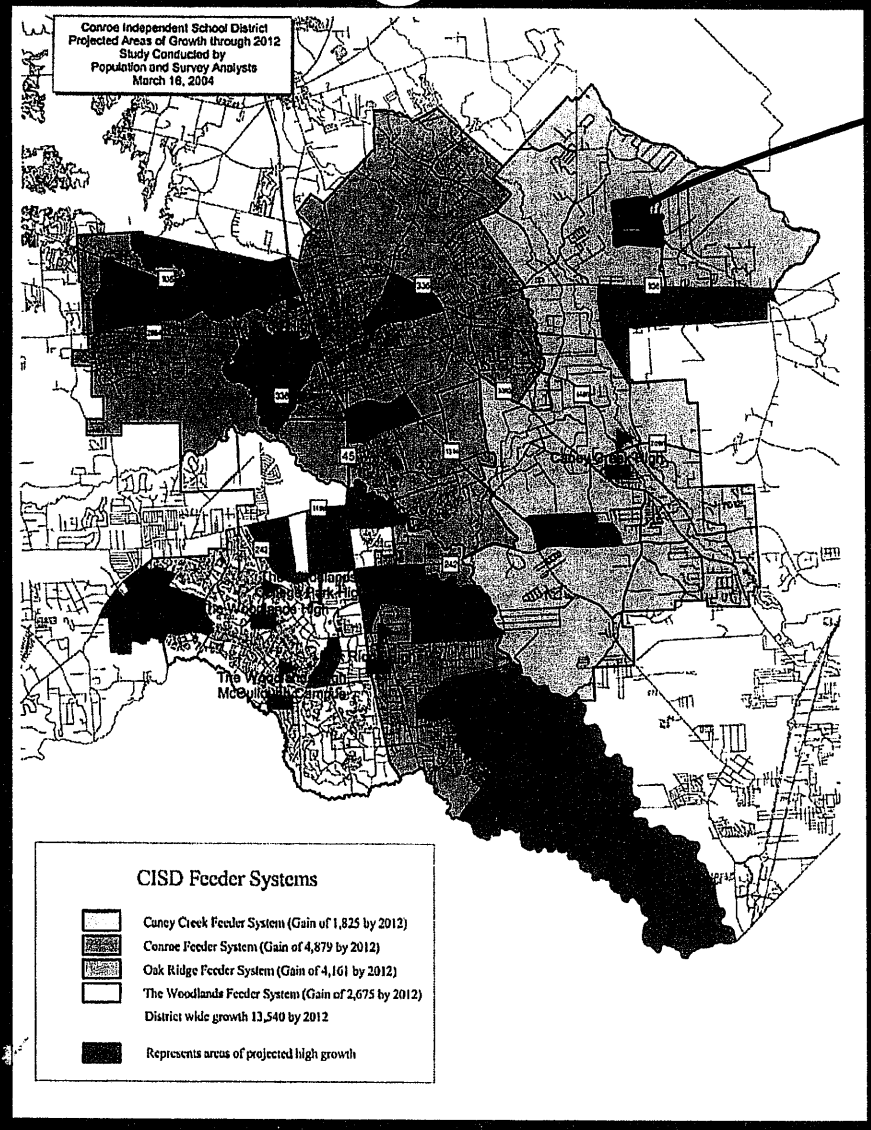
STUDENT INFORMATION	DISTRICT COUNT	DISTRICT PERCENT
TOTAL ENROLLMENT	3,329	N/A
TOTAL MEMBERSHIP	3,324	N/A
ENROLLMENT BY GRADE:		
Early Education	4	0.1
Pre-Kindergarten	149	4.5
Kindergarten	278	8.4
Grade 1	316	9.5
Grade 2	290	8.7
Grade 3	231	6.9
Grade 4	269	8.1
Grade 5	253	7.6
Grade 6	263	7.9
Grade 7	257	7.7
Grade 8	212	6.4
Grade 9	257	7.7
Grade 10	235	7.1
Grade 11	168	5.0
Grade 12	147	4.4
ETHNIC DISTRIBUTION:		
White	1,820	54.7
Hispanic	957	28.7
African American	519	15.6
Asian or Pacific Islander	21	0.6
Native American	12	0.4
HIGH SCHOOL GRADUATES (2002-2003):		
Grade 12 Attendance	189	N/A
Graduates Reported	168	88.9
White	105	62.5
Hispanic	27	16.1
African American	35	20.8
Other	1	0.6
Planning to Attend College	119	70.8
Advanced Program		
09 - Graduated DAP 94-97 Chap. 74	0	0.0
16 - Graduated DAP 97-98 Chap. 74	0	0.0
17 - Graduated DAP 98-99 Chap. 74	0	0.0
23 - Graduated DAP 01-02 Chap. 74	0	0.0

Filename: F4146901
District: 146901 - CLEVELAND INDEPENDENT SCHOOL DISTR

STUDENT INFORMATION	DISTRICT COUNT	DISTRICT PERCENT
TOTAL ENROLLMENT	3,329	N/A
TOTAL MEMBERSHIP	3,324	N/A
DROPOUTS REPORTED (2002-2003):	22	N/A
AT RISK STUDENTS	1,510	45.4
ECONOMIC DISADVANTAGED:	2,059	61.9
Regular	1,824	54.8
Special Education	235	7.1
LEP:	504	15.1
Regular	460	13.8
Special Education	44	1.3
STUDENT ENROLLMENT BY PROGRAM:		
Special Education	368	11.1
Career and Technology Education	607	18.2
Bilingual Education	292	8.8
ESL Education	151	4.5
Gifted and Talented Education	183	5.5
Title I	3,315	99.6
STUDENT ATTRIBUTION:		
00 No Attribution	3,309	99.4
01 Charter	0	0.0
02 JJAEP	0	0.0
03 PEG	0	0.0
06 Transfer Between Districts	20	0.6
07 Lives out-of-state	0	0.0
08 Facility registered with TJPC	0	0.0
09 Residential treatment facility	0	0.0
10 Parent referral to TSD	0	0.0
11 District referral to TSD	0	0.0
IMMIGRANT COUNT	0	0.0
MIGRANT COUNT	16	0.5

42% OVERALL

Anticipated High-Growth Areas



tabbies

EXHIBIT

F

June 9-10, 2004

TCEQ Public Meeting Form

Thursday, April 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:35
CHIEF CLERKS OFFICE

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

OPA RECEIVED
APR 10 2008
AT PUBLIC MEETING

PLEASE PRINT:

Name: Rhonda Tate

Address: 15378 Jody Lane

City/State: Conroe, Tx Zip: 77303

Phone: (936) 264-2877

☐ Please add me to the mailing list. already on the list

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

I want these comments to be part of the record tonight for use at the contested case hearing.

Please give this to the person at the information table. Thank you.

The growth of Montgomery County is no excuse for a new landfill. ~~this~~ We do not need the trash from Harris County & the majority of this waste will come from Harris County. Nothing keeps MLS from increasing the # of Counties the area of the proposed site floods. Water ~~stands~~ continuously. A mountain 200 ft. tall will push the water on to the residents & cause more flooding. The way they say they will prevent flooding is <u>inadequate</u>. The monitor wells are too few & too far apart. The process of monitoring is <u>inadequate</u>. The process of TCEQ from time of breach to shut down is too lengthy.

The contamination of water wells & surface water is imminent & the process to prevent the contamination is <u>inadequate</u>.

The clay liner is <u>inadequate</u>!

TCEQ "Rules" may be met but <u>this</u> landfill is not good for <u>this</u> site! 2 aquifers recharge under this site!!

The gases from the sheetrock in landfills is deadly!

The 600 trucks daily will also have to come back out of the landfill. I call that 1200 trucks daily.

We oppose this landfill

mw

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:28
CHIEF CLERKS OFFICE

(18)

TCEQ Public Meeting Form

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3: 33
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Rhonda Tate

Address: 15378 Jody Lane

City/State: Conroe, TX Zip: 77303

Phone: (936) 264-2877

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

☐ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

mw

26

26

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Rhonda Lake

Address: 15378 Jody Lane

City/State: Conroe, TX Zip: 77303-3920

Phone: (936-264-2877

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting. (CD)

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

EAST MONTGOMERY COUNTY LANDFILL PROPOSAL CAML SUMMARY

August 6, 2004

What is the Issue?

- Montgomery Landfill Solutions (MLS) is permitting a 473 acre landfill one mile east of Cut 'n Shoot, Texas.
- Address: 3761 North Walker Road, Cleveland Texas
- Location: 1.5 miles north of State Highway 105 on North Walker Road.
- Site Description: The landfill site is bounded by two creeks (Lawrence Creek and West Fork Spring Branch Creek) with associated wetlands.

What is the Issue? Pg. 2

- Both creeks flow off the site, through the North Walker Road Community and into other communities to the south and southeast.

- Project Scope: Type IV landfill, designed to receive **2,300 to 3,460 tons** of waste per day, via 239-335 truck loads per day for 41 years, height will be 260 feet above the surface of the ground.

- Waste Sources: Harris, Montgomery, Liberty, Waller, and San Jacinto Counties.

What is the Local Impact?

- Several hundred families in the North Walker Road Community live within one mile of the site.

- North Walker Road is the only access to the community and will also be used as the only access to the landfill.

- Large truck traffic will dominate access to the community thus putting families and school children in danger.

What Is the Local Impact? Pg. 2

- Surface runoff and flooding from Lawrence Creek can carry contaminated surface water from the site into the surrounding Walker Road Community.

- The landfill will be placed in the local aquifer and can contaminate water wells in the adjacent community.

Are there Broader Implications for East Montgomery County?

- Large truck traffic will use local roadways and must pass by several public school complexes thus putting school children, youth, their parents and teachers in extreme danger!
- The New Caney Elementary-Keefer Crossing Middle School Complex
- The Caney Creek-Moorhead-Grangerland Regional School Complex
- Austin Elementary School

Are There Broader Implications for East Montgomery County? Pg. 2

- The Evangeline Aquifer which is the main source of drinking water in East Montgomery County and in parts of Harris County, will be contaminated very near its recharge zone.

- Lawrence Creek and West Fork Spring Branch Creek flow into Caney Creek and then into Lake Houston. Contaminated fluids will travel from the site into East Montgomery County Communities and into the lake over the forty-year life of the landfill.

Are there Broader Implications for East Montgomery County? Pg. 3

- There are several new subdivision developments in the Cut and Shoot and Security area. Property values will be severely reduced and higher quality developments in this area will stop. Over 1,000 existing or planned homes in the immediate area are already affected.

- This beautiful wooded area with enormous potential as the next growth area in Montgomery County will become less attractive for housing developments and more attractive for industry, additional landfills and lower quality developments.

Are there Broader Implications for Montgomery County? Pg. 4

- Should Montgomery County become a dumping ground for adjacent counties?
- Currently landfills can be proposed anywhere in Montgomery County.
- The TCEQ approves landfills locations based primarily upon site engineering and not upon land use compatibility.
- Will East Montgomery County be the only target?
- Does the county have any recourse?

Do Other Counties In The Area Have Similar Problems?

- Chambers and Brazoria Counties have put ordinances in place to restrict or control the number of landfills and landfill placement.

- Travis County has also enacted an ordinance that sets standoffs from "People Friendly" structures, water bodies etc.

For More Information

- www.geocities.com/stopthelandfill
- stopthelandfill@sbcglobal.net

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

2004 AUG 11 PM 3:04
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PLEASE PRINT:

Name: Rhonda Tate

Address: 15378 Jody Lane

City/State: Conroe Zip: 77303

Phone: ( )

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

I want another meeting

Please give this to the person at the information table. Thank you.

37868
NSW

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

Thank you for allowing me to speak to you this evening.

Many of us here tonight have worked hard for several years to bring business and families to our area. We want to live and work in this area. The proposed landfill has halted all development due to the businesses and families fearing the traffic and the contamination of the water wells. We have numerous commercial food establishments in the area using well water. There is a public elementary school and a day care and 2 churches just outside the 1mile perimeter of the proposed site.

2004 AUG 11 PM 3 02
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

My talk with you tonight is more far reaching than development. My husband and I moved into this area in 1978 to raise our family in the atmosphere we thought was the best for us. We have worked hard to make a nice living without causing harm to anyone else. Many of our neighbors are just now learning of this landfill but we are all opposed to anyone coming in and ruining what we have worked to achieve.

This proposed landfill will pollute our water wells and cause more traffic for us to endure.

This landfill will be the 3rd landfill within an 8 mile radius plus we have a transfer station on FM 1485 and this landfill will be placed in the middle of a subdivision with only one way in and one way out.

Do you not care about our safety and our health? All over the US there have been good communities that are now gone due to waste areas turning into toxic dumps and rendering the communities to nothing. Don't let this happen to our beautiful area of East MC. Don't allow the "clustering" of landfills in this area. We well be plagued by more noise, smells, fumes and intense 24-hour traffic to and from our neighborhood. This community has worked for many years to encourage development of subdivisions and businesses. Just when things are going in the right direction, we are hit with this eyesore that will undoubtedly cause us health problems and the loss of our water wells and will surely cause a decrease in our property values and halt all development. Don't take away our clean air and water. Don't make us fight horrific traffic just to go to the grocery store. Demand the owners put this landfill in their own neighborhood and deal with all the damage that they create.

Nobody has the right to get rich at the expense of other people's health."

Thank You

Rhonda R. Zale
15378 Jody Lane
Conroe, Tx. 77303

Date:

OPA

MAY 27 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 27 AM 9:54

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

RHONDA S. TATE

Signature

Rhonda S. Tate

Printed Name and Address

15378 JODY LN

CONROE TX 77303

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 27 PM 2: 46
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

RHONDA S. TATE
Signature

Printed Name and Address

15378 JODY LN
CONROE TX 77303

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
37828

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 37
OPA CHIEF CLERKS OFFICE
BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 3 miles of the proposed landfill and my address is 3163 N. Duck Creek, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and rental property. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

jt

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

jt

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
Joyce K. Taylor
Joyce K. Taylor

Joyce K. Saylor
2163 N. Duck Creek
Cleveland, Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 3 L

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 37
CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief - MC 105
T.C.E.Q.

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

PO BOX 13087
Austin, Texas 78711-3087

78711+3087

NW
378168

H OPA

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3: 17

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.5 miles northwest of the proposed landfill and my address is 15467 Jody Lane, Conroe, TX 77303. I live in Cut & Shoot. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

ASA

MW

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

ASH

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Ash

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324. I am very concerned about groundwater pollution and the long term impact to the health and safety of my family, especially for my children Jason Marcus and Jose A. Marquez

Sincerely

Adriadna Teapila

Adriadna Natalia Teapila

ASH

Adrianna Natalia Teapila
15467 Body Lane
Conroe Tx 77303

HOUSTON TX 772
23 MAR 2009 PM 8 T

USA FIRST CLASS FOREVER

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

I not speak

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:
CHIEF CLERKS OFFICE
OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

PLEASE PRINT:

Name: DEBRA TEEKAMP

Address: 3925 WOODPECKER'S GROVE

City/State: CLEVELAND, TX **Zip:** 77328

Phone: (281) 593-2000

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Montgomery ~~County~~ Landfill ~~Sol~~ Solutions has ~~absolu~~ violated our rights to an open meeting for all of the people - roughly 100 that did not get to hear any or only part of the meeting. We need to have a contested case hearing in court with enough room for everybody that wants to be there.

Please give this to the person at the information table. Thank you.

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Brandi Thoede
Signature

Brandi Thoede
Printed Name and Address

12406 Santiago Cove Ln
(713) 249-4146

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:55
CHIEF CLERKS OFFICE

OPA
JUN 01 2004

NSN
37808

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3: 11

CHIEF CLERKS OFFICE

OPA

H

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 5 miles from the proposed landfill and my address is 3803 Miller Rd, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

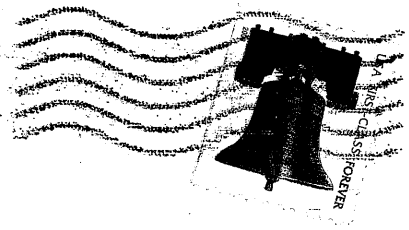
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324. I would like to respectfully request that TCEQ keep any additional landfills out of this area.

Sincerely

Billy Thompson

Billy Thompson
3803 Millen Rd
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 1 L



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

NSW
37868

4 OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 26

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 1/4 miles of the proposed landfill and my address is 459 Coburn Road, Clevland, TX 77328. I live near the community of Security. I use my property for residence and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Kt

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

KT

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

KT

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

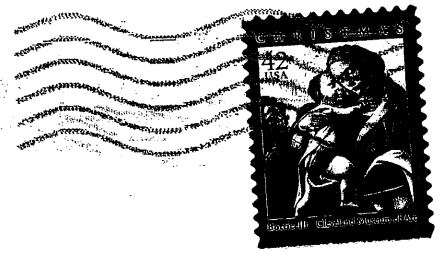
Sincerely,

Kenneth Thompson

KT

Kenneth Thompson
459 Lobo Rd
Cleveland Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 8 T



Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

78711+3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 27

CHIEF CLERKS OFFICE

OPA

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 1/2 miles of the proposed landfill and my address is 19715 Old Hwy 105, Cleveland, TX 77328. I live near the community of Security. I use my property for a residence and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

One landfill is more than enough for this community.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Todd Thompson

Todd + Lori Thompson
19715 old hwy 105
Cleveland, TX 77328

HOUSTON TX 772
24 MAR 2009 PM 10 L

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 27
CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RR

78711+3087

Date:

PM H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3: 59
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Marla Todd
Printed Name and Address

17232 Fm 1484
Conroe, Tx. 77303

Mrs Marla Todd
Signature

OPA
JUN 01 2004

N3W
378608

OPA

H

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:11

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.0 mile from the proposed landfill and my address is 9984 Hidden Acres Dr, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

MW

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

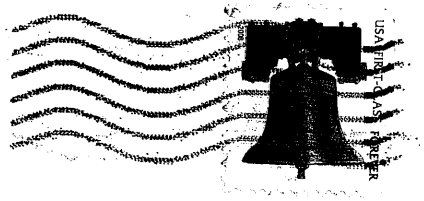
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324. I respectfully request that you build this supposedly safe landfill in your neighborhood where you can drink the water and your children can bath in it.

Sincerely

Gordon Trott

Gordon Trott
9984 Hidden Acres Dr
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 1 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
378128

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:26

CHIEF CLERKS OFFICE

OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1.0 mile from the proposed landfill and my address is 9984 Hidden Acres Dr, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all three previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

KJ

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

KY

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

KJ

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324. I respectfully request that you build this supposedly safe landfill in your neighborhood where you can drink the water and your children can bath in it.

Sincerely

Kimberly Trott

Kimberly Trott

Kimberly Trott
9984 Hidden Acres Dr
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 3 L

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MCW
378L08

H OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

BY KY 2009 MAR 24 PM 3:14

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within ½ mile of the proposed landfill and my address is 410 N. Walker Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I am concerning about my small children's health and the one I'm expecting.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Jason Turner

Jason Turner
410 N. Walker Rd
Cleveland TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 5 L

USA 42

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

MSW
37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -7 PM 3:30

CHIEF CLERKS OFFICE

OPA

BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Jason Turner
Address- 7233 South Fork DR Conroe TX 77303
Phone- 281-782-1377

Distance from proposed site- 2-Miles from West Side

Negative impact to my health, safety and property will be - I have two kids 9-5 and one Baby 18 mts old. I am concerned about the under ground water that they will be drinking and Taking a Bath in. I Do not feel we need another one in this area we have 2 within 5 mils either way east & west I Do not want one within 2 mils of my Home.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

nith
Rd
303

HOUSTON TX 772
05 JAN 2008 PM 3 T

MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
JAN 07 2008
TCEQ MAIL CENTER
RB

78711+3087

N SW
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:28

CHIEF CLERKS OFFICE

OPA

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within ½ mile of the proposed landfill and my address is 410 N. Walker Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I am concerning about my small children's health and the one I'm expecting.

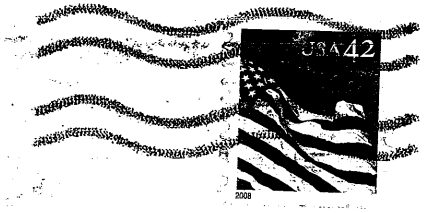
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Sandra Turner

Sandra Turner
410 N. Walker Rd
Cleveland TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 L



RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -2 AM 9:57

CHIEF CLERKS OFFICE

OPA

JAN 02 2008

BY KY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- KEN VAN DINE
Address- 16477 HILL COUNTRY DR. (WORK) - 1436 N. DUCK CREEK RD. CLEVELAND, TX. 77328
Phone- (936) 648-7002 (281) 443-6690

Distance from proposed site-

Negative impact to my health, safety and property will be - HWY. 105 IS A DANGEROUS RD. TO TRAVEL AS IT IS. ADDITIONAL TRAFFIC ON A LARGE SCALE WILL CREATE TRAFFIC CONGESTION ON 105 AND IT'S ADJOINING ROADWAYS.

Sincerely

Ken Vandine

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

1436 N. Duck Creek Rd
Cleveland, TX 77328

USA FIRST-CLASS FOREVER

RECEIVED
JAN 0 2 2008
TCEQ MAIL CENTER

TCEQ
MC 105
P.O. Box 13087
Austin, TX 78711-3087

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM

2004 MAY 28 PM 3:5
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Jessie VanLiew
Printed Name and Address

11924 ROSE RD
Conroe, TX 77303

OPA
JUN 01 2004

Date:

PM H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 MAY 28 PM 3: 5
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Jim Vaught
Signature

JIM VAUGHT
Printed Name and Address

17868 MAGNOLIA PARK
CONROE, TX 77306

OPA
JUN 01 2004

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

PM #
2004 MAY 28 PM 3:59
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Eleanor P. van Tungeln
Signature

Eleanor P. van Tungeln
Printed Name and Address

1633 Acorn Place
Cleveland, TX 77382

OPA
JUN 01 2004

Date:

PM
H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:59
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Eleanor P. von Tungeln
Signature

Eleanor P. von Tungeln
Printed Name and Address
1633 Acorn Place
Cleveland, TX 77328

JUN 01 2004

Date: 4-23-04

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM OPA
MAY 27 2004
CHIEF CLERKS OFFICE BY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely, Eleanor von Turyda

Eleanor von Turyda
Signature

1633 Acorn Place
Printed Name and Address
Cleveland, Tx 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

Date:

PM H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:59
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.

2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.

3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.

4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.

5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.

6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

James E. van Turgeln
Printed Name and Address
1633 Acorn Place
Cleveland, Tx 77328

OPA
JUN 01 2004

Date: 4-23-04

OPA

MAY 27 2004

BY

2004 MAY 27 AM 9:50

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely, James E. von Turyda

James E. von Turyda
Signature

1633 Acorn Place
Printed Name and Address

Cleveland Tx 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM
4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:59
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Jim van Turgeln

Printed Name and Address

1633 Acorn Pl

Cleveland, Tx 77382

OPA
JUN 01 2004

37868

August 09, 2004

PM
H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

CHIEF CLERKS OFFICE

2004 AUG 11 PM 3:05

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Daniel Vargas P. I am a resident in the area and I am concerned about:

I have son acres of Land in This area.
I survey for sale.
I want to make sure no have
more Trhash in This area.
We need to have clean the
roads and water venas for
our water wells clean. Other
Thin Tracks Dumps. When Can in the road
Span Trash, papers, plastics and more.
Thanks - for Leasen

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Daniel Vargas P
Address: 7925 Crockett Martinsbd
City, State, & Zip Conroe, TX 27306
Phone: (936) 264-2691

Date:

OPA

MAY 27 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 27 AM 9:54

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Daniel Vargas P

Printed Name and Address

7925 Crockett Martin Rd.
Conroe, TX 77306

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:05
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Daniel Vargas P

Address: 7925 Crockett Martin Rd

City/State: Conroe TX **Zip:** 77306

Phone: (936) 264-2691

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

OPA

MAY 27 2004

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2004 MAY 27 AM 9:54

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk;

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Daniel Vargas P

Printed Name and Address

7925 Crockett Martin Rd.
Conroe, TX 77306

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

NSM
378608

OPA

BY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3: 12

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 7 miles to the north of the proposed landfill and my address is 222 Salem Church Road, Willis, TX 77378. I use my property for a residence, ranching, farming and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

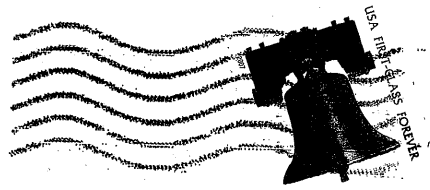
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

John Vickery

John Vickery
222 Salem Church Road
Willis, TX 77378

HOUSTON TX 772
23 MAR 2009 PM 1 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

NSR 1
378608

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 35

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 7 miles to the north of the proposed landfill and my address is 222 Salem Church Road, Willis, TX 77378. I use my property for a residence, ranching, farming and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

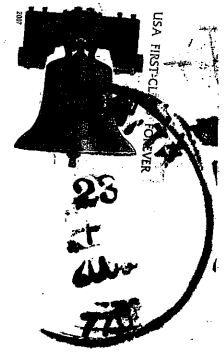
Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,
Maria Vickery

MARIA Vickery
222 Salem CHurch Road
Willis Tx 77378

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
SS



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RE: Montgomery Landfill Solutions, L. P.,
Proposed Permit No. 2324

August 9, 2004

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 2:41
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Chief Clerk
MC 105, TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

Dear Sir or Madam

During the public meeting that MLS held in June to announce the above permit proposal to the public, Mr. Crews stated that the above landfill was necessary to accommodate the large amount of construction waste that was being generated in Montgomery County.

However, permit 2312 the earlier version of this landfill proposal, that was withdrawn February 4, 2004, stated something very different. It claimed that the proposed landfill was to service Harris, Montgomery, Liberty, Waller, and San Jacinto Counties and that 85% of the waste was to come from Harris County. These are very conflicting statements that were made by MLS within a short period of time. How are we the citizens of Montgomery County to trust MLS to communicate the need and utility for the current landfill permit when they are openly publishing such conflicting information?

I am respectfully requesting that the TCEQ hold a contested case hearing on this application in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely

F. Dino Villarreal
15787 Miller Road
Conroe, Texas 77303

Cc: Senator-Todd Staples, Senator-Tommy Williams, Representative-Ruben Hope Jr., Montgomery County Judge-Alan B. Sadler, County Commissioner Pct. 4-Ed Rinehart, County Commissioner Pct. 2-Craig Doyle, County Commissioner Pct. 1-Mike Meador, Count Commissioner Pct. 3-Ed Chance, HGACG Solid Waste Program Manager-Cheryl Mergo

7th

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:41
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: F. Dino Villarreal

Address: 15787 Miller Rd

City/State: Conroe, TX **Zip:** 77303

Phone: (936) 445-1493

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**
(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 29 PM 3:35
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

FAUSTINO D VILLARREAL
Printed Name and Address

15787 MILLER RD
CONROE TX 77303

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

Date:

pM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 27 PM 2:46
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Faustino R. Villarreal
Signature

FAUSTINO R. VILLARREAL
Printed Name and Address

12672 Oakleaf Rd
Conroe TX 77303

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
378008

H OPA

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:15

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Office of the Chief Clerk-MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

March 22,2009

RE: Montgomery Landfill Solutions Permit #2324

I am writing this letter in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26,2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills which is a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I live in an apartment one quarter mile east of the proposed landfill and my address is 5804 Pineshadows Rd. My apartment is my residence. I live next to my son and daughter in-laws home. I am 87yrs old and am still driving. If the landfill is allowed to open I will most likely have to spend most of my day in doors because of my asthma. This will be a big disappointment because of the walks that I have with my granddaughters and one has asthma also. NO more walks for either of us. Once the air is polluted because of the stink and pollutants in the air from the dump and the water contaminated, well take my age and not allow me to go outside and or drink this wonderful water and because of my cancer I will have to limit exposure by not taking the wonderful showers that I take sitting down in my custom shower. I will then be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justifiable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 16 Access and Community Safety
Response 16: The traffic study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is one half mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

MW

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250plusfeet of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed al all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower my families home values and also the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ's permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW # 2324.

Sincerely,

Margaret C. Wagner

Mrs. Margaret C. Wagner
5804 Pinshadows Rd.
Cleveland, Texas 77328
1-281-593-0482

WAGNER
5804 PINESHADOWS RD.
CLEVELAND, TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 4 T

USA FIRST-CLASS FOREVER

MS. LADONNA CASTAÑUELA
OFFICE OF THE CHIEF CLERK - MC 105
TEXAS COMMISSION ON ENVIROMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711-3087

March 10, 2005
MC105, TCEQ
P.O. Box 13087
Austin,Texas 78711-3087

OPA H 37868 MSW

MAR 10 2005

BY

RE: Montgomery Landfill Solutions,L.P.,Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH105 and Walker Road,Montgomery County,Texas.There are many reasons why I believe that the proposed landfill on Walker Road is a very bad idea:

1) We don't need another landfill as we already have two in the area and it will be used mostly for garbage coming from four other counties, not ours.

2) Traffic congestion is already bad on Highway 105 and I'm told it is the most dangerous Highway in Texas. So adding three hundred fifty or more garbage trucks each day, coming and going,will be a disaster.

3) Walker Road is the only access street to a large subdivision. It is very narrow with dangerous curves and has no ditches for water drainage,nor any sidewalks for our children to walk or ride bicycles on. Several school busses pick up and deliver kids to and from school each day.My grandson was almost run over getting off a school bus last year because the car coming around the curve didn't see him until it was almost too late.

4) There are several hundred homes within a two to three mile radius of the proposed land fill and they all use water wells. I don't think the liners the landfills use will be sufficient to keep these wells from being contaminated. Once the aquafer is conyaminated it will effect people for miles and miles.

5) Flooding is also a major concern,as we have problems already. With the dump there all the run off water will be contaminated,and there is no way it cannot affect the drinking water and everyone downstream.(Splendora,New Caney,Humble,and Houston)

6) Also,there is the environment to worry about,and pollution of our air from all the trucks coming in and out. If there was ever a tornado or hurricane it would have garbage strewn for miles. It will be bad enough, just the garbage falling off the trucks and littering our streets.

7) Last but not least, no one is buying property or building homes aruond here because of the proposed dump. And our property values have fallen because no one wants to live here anymore.

I am requesting that the Contested Case Hearing on this application be held in Montgomery County, Texas and that I be allowed to speak.

Sincerely,

Billy Wagnon

Signature

Billy Wagnon

Printed Name and Address

20798 Red Oak Dr.
Cleveland TX 77327

cc: Represenative Ruben Hope,Senator Todd Staples, Senator Tommy Williams

MSW
378608

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:18

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 6 miles of the proposed landfill and my address is 9115 Fostoria Road, Cleveland, TX 77328. I use my property for my residence, farming, ranching and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

L.R.W.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

L.R.W.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

L. R W.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

L. R Walker

R.L. Walker
9115 Fostoria Road
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 8 T

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
378168

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 35

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 1/2 miles of the proposed landfill and my address is 17020 Solomon, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

R W Walker

RW WALKER

R.W. Walker
17020 Solomon
Cleveland, TX 77328

HOUSTON TX 772
24 MAR 2009 PM 1 T

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

78711/3087

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
RB

H OPA

BY KM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:15

CHIEF CLERKS OFFICE

Ms. Ladonna Castanuela
Office of the chief clerk-MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

March 22, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home ¼ mile East of the proposed landfill and my address is 5821 Pineshadows Rd.. I live near the community of Security. I use my property as a residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justifiable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing.

Comment 4-State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions Failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200ft heights of the facility.
Response 4: Continued
Montgomery County commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more that 1 year to continue the approval process with an amendment to the permit that inadequately address traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 16 Access and Community Safety
Response 16: the Traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation of SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area. State Highway 105 between Conroe and Cleveland besides being is a major interstate 45 to interstate 59 route that accommodates thousands of tractor trailer rigs daily plus thousands of automobiles and because of Waste Management's facility close to 1000 trucks a day in and out .By adding another 600-800 trucks into and out of the proposed facility it would surely live up to its reputation as the deadliest road in Texas no matter what time of the day.

Comment 24 Floodplain Maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run –off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26:The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A3 ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250plus ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater contamination.

Comment 32 Air Pollution
Response 32: The 200ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit #2324.

Sincerely,

James E. Walkinshaw JR.
5821 Pineshadows Rd.
Cleveland, Texas 77328
1-281-659-9338

Mr. James E. Walkinshaw
5821 Pine Shadows Rd.
Cleveland TX 77328-5712

N HOUSTON TX 773
23 MAR 2009 PM 2 T

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

Ms. Ladonna Castañuela
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

78711+3087

MSW 37868

PM H

OPA
DEC 05 2007
BY KG

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC -5 AM 10: 40

CHIEF CLERKS OFFICE

November 30,2007

Ms. Ladonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box3087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions amended permit application MSW#2324

Dear Ms Castanuela:
I am a retired 80year man that moved to this quiet area 10 years ago from the Los Angeles area. This was a very good time to relocate because it was becoming increasingly harder to breathe in Los Angeles. Air quality was terrible. After researching many areas I picked eastern Montgomery County because of the wonderful water and the lack of consistent noise and air you did not have to see to be able to breathe.
I am appalled that for the last 5 years I have been fighting along with many of my neighbors to keep Montgomery Landfill Solutions from opening a landfill not even ¼ mile from my back door.
Please explain to me why this area of eastern Montgomery County needs another one of these terrible smelling eye sores 1.6 miles away from the existing Security Waste Management type 1 landfill. By the way they have recently expanded the landfill to except waste for an additional 30years.
Since I moved here 10years ago the area around State Hwy.105 and North Walker Road has grown rapidly with new businesses and single family homes. I find it almost impossible to negotiate the intersection of Walker Road and Hwy.105 without a delay during peek hours even now. I can't imagine adding 400 - 800 trucks daily to this area. Many times I must drive into the ditch to keep from hitting oncoming trucks because we have no shoulder on Walker Rd. This proposed menace would most likely if allowed to open make it much harder for me to breath and the drinking water will be effected no matter how much M.L.S. white washes their reports. I'll need help breathing again.
I am requesting T.C.E.Q. to grant another public meeting to allow questions regarding the amended roadway and revised traffic count to be answered. The applicant did not answer any questions during the first 2 meetings. I am also requesting a contested case hearing on Montgomery Landfill Solutions MSW#2324.

Thank you,

Mr. James E. Walkinshaw
5821 Pine Shadows Rd.
Cleveland, Texas 77328
Phone#281-659-9338

Cc: County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, U.S. Senator Tommy Williams

MW

James E. Walkinshaw
5821 Pine Shadows Rd.
Cleveland, TX 77328-5712

N HOUSTON TX 773

03 DEC 2007 PM 6 L

HAP HOLID

USA First-Class

Ms. LADONNA Castanuela, chief clerk
Texas Commission on Enviromental Quality
MC105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
DEC 05 2007
TCEQ MAIL CENTER
RB

78711$3087 B012

CLERKS OFFICE
DEC -2 AM 10:40
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 DEC -5 AM 10: 40

CHIEF CLERKS OFFICE

OPA

DEC 2 1 2007

BY

November 30,2007

Ms. Ladonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box3087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solutions amended permit application MSW#2324

Dear Ms Castanuela:
I am a retired 80year man that moved to this quiet area 10 years ago from the Los Angeles area. This was a very good time to relocate because it was becoming increasingly harder to breathe in Los Angeles. Air quality was terrible. After researching many areas I picked eastern Montgomery County because of the wonderful water and the lack of consistent noise and air you did not have to see to be able to breathe.
I am appalled that for the last 5 years I have been fighting along with many of my neighbors to keep Montgomery Landfill Solutions from opening a landfill not even ¼ mile from my back door.
Please explain to me why this area of eastern Montgomery County needs another one of these terrible smelling eye sores 1.6 miles away from the existing Security Waste Management type 1 landfill. By the way they have recently expanded the landfill to except waste for an additional 30years.
Since I moved here 10years ago the area around State Hwy.105 and North Walker Road has grown rapidly with new businesses and single family homes. I find it almost impossible to negotiate the intersection of Walker Road and Hwy.105 without a delay during peek hours even now. I can't imagine adding 400 - 800 trucks daily to this area. Many times I must drive into the ditch to keep from hitting oncoming trucks because we have no shoulder on Walker Rd. This proposed menace would most likely if allowed to open make it much harder for me to breath and the drinking water will be effected no matter how much M.L.S. white washes their reports. I'll need help breathing again.
I am requesting T.C.E.Q. to grant another public meeting to allow questions regarding the amended roadway and revised traffic count to be answered. The applicant did not answer any questions during the first 2 meetings. I am also requesting a contested case hearing on Montgomery Landfill Solutions MSW#2324.

2007 DEC 21 AM 10: 57

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Thank you,

Mr. James E. Walkinshaw
5821 Pine Shadows Rd.
Cleveland. Texas 77328
Phone#281-659-9338

Cc: County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, U.S. Senator Tommy Williams

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:3
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

OPA

APR 30 2004

BY

James E. Walkinshaw Jr
Printed Name and Address
5821 Pine Shadows Rd
Cleveland, Tx 77328-5712

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW 37868

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR -3 AM 10: 37
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that air and water quality will be maintained. I understand that Type IV landfills accept materials contaminated with lead paint and low-level asbestos. Both of these contaminants are proven to be harmful to humans. I am also very concerned that the design of this facility will not assure safe air and water quality with respect to the above cited contaminants and gas by-products such as methane and H2S, also proven to be harmful to humans.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC. The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

PM OPA HR

MAR 03 2008

BY DM

Name- DAN WALLACE
Address- 12421 BROWDER-TRAYLOR
Phone- 281-455-9992
Distance from proposed site- 5 MILES

Negative impact to my health, safety and property will be - worth less in value, heavy truck travel and smelly

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR -3 AM 10:38
CHIEF CLERKS OFFICE

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 MAR -3 AM 10: 37

CHIEF CLERKS OFFICE

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that air and water quality will be maintained. I understand that Type IV landfills accept materials contaminated with lead paint and low-level asbestos. Both of these contaminants are proven to be harmful to humans. I am also very concerned that the design of this facility will not assure safe air and water quality with respect to the above cited contaminants and gas by-products such as methane and H2S, also proven to be harmful to humans.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

MW

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC. The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

HR OPA JM
MAR 03 2008
BY JM

Name- Shaun Wallace
Address- 12421 Browder-Traylor
Phone- 832-498-4421
Distance from proposed site- 3 miles

Negative impact to my health, safety and property will be - Heavy truck travel, Contamination of water, smell, lower property values

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 MAR -3 AM 10:32
CHIEF CLERKS OFFICE

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868

12-12-2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

PM
H

OPA
DEC 17 2007
BY

CHIEF CLERKS OFFICE
2007 DEC 14 PM 2:40
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

This letter is being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site will be in the midst of **a rapidly growing residential area.** The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the creeks, surrounding jurisdictional wetlands, or surrounding private property and wells. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns. What about the safety and quality of life issues for the local residents from all this trash truck traffic?

The above concerns compel me to request another public meeting on Montgomery Landfill Solution's MSW permit 2324. to allow TCEQ to answer questions about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

Name- MIKE WALTON + FAMILY
Address- 8111 HIDDEN TRAIL LN. SPRING, TX. 77379
Phone- 281-379-3522

I also support the request for a Contested Case Hearing on the Permit #2324.

MW

FROM

Michael David Walton
8111 Hidden Trail Ln.
Spring, TX 77379

N HOUSTON TX 773

13 DEC 2007 PM 3 L

RECEIVED
DEC 14 2007
TCEQ MAIL CENTER
MM

To: Ms. LADONNA Castanuela, Chief CLERK
T.C.E.Q. MC105
P.O. BOX 13087
AUSTIN, TX. 78711-3087

78711$3087

TCEQ Public Meeting Form

Thursday, April 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:34
CHIEF CLERKS OFFICE

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

OPA RECEIVED
APR 10 2008
AT PUBLIC MEETING

PLEASE PRINT:

Name: MIKE WALTON

Address: 8111 HIDDEN TRAIL LANE

City/State: SPRING TX Zip: 77379

Phone: (281) 379-3522

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

(ON BACK)

Please give this to the person at the information table. Thank you.

1. HOW CAN A 3 FOOT CLAY LINER BE DEEMED SUFFICIENT TO PREVENT PERFORATION FROM A BULLDOZER PUSHING LUMBER, PIPING & BEAM DEBRIS AND WHO WILL BE CRIMINALLY & CIVILLY LIABLE WHEN THE LINER PROVES INADEQUATE & THE WATER TABLE BECOMES CONTAMINATED?

2. HOW CAN THE TCEQ MANDATE ALLOW CLUSTERING OF LANDFILLS IN ANY AREA TO THE DETRIMENT OF SO MANY STATE CITIZENS? WHY AREN'T THE LANDFILL RESPONSIBILITIES MORE EQUITABLY DISTRIBUTED AMONG THE INVOLVED COUNTIES? WHY ISN'T THIS REQUIRED?

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:37
CHIEF CLERKS OFFICE

MW

19

27

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Michael WALTON

Address: 8111 HIDDEN TRAIL LN.

City/State: SPRING TX **Zip:** 77379

Phone: (281) 379-3522

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Michael Walton

OPA

MAR 10 2005

BY 9

37868
MSW

East Montgomery County residents believe that landfill companies have identified the area as a target for future waste dumping businesses.

East Montgomery County currently provides waste disposal facilities for Montgomery and four (4) surrounding counties. Waste sources are Harris, Montgomery, Liberty, Waller and San Jacinto Counties The Security Waste Management Type I landfill is located 1.6 miles east southeast of the proposed site and the Western Waste Industries Landfill 7.0 miles to the west on Loop 336, are all located in the eastern portion of Montgomery County. Mid American Contractors Type V Transfer Station is also located 8 miles west of the proposed landfill site.

This ADDITIONAL landfill proposal has been injected into a rapidly growing residential area.

The landfill is bounded on the west by undeveloped land that separates it from the town of Cut and Shoot located 1.5 miles to the west. Since the 2,000 census, **the area between Cut and Shoot and the proposed landfill site has grown dramatically, adding over 600 home sites and a projected additional 450 homes scheduled for construction within the next two (2) years.**

The greater Security and Midway Communities bound the landfill site on the northeast, east and southeast. The Williams Road Community bounds the landfill site on the northwest. These communities are currently experiencing continuous, rapid residential and business growth. They are actually growing much more rapidly than Cut and Shoot. Several new subdivisions in the Security/Midway area are within 1 to 2 miles of the proposed site. Many small businesses and a church are near or within the 1-mile radius of the proposed site.

Many additional new homes are planned for the area. There are also many platted lots on the market. The applicant used the 2,000 census and the growth projections for Cut and Shoot as the standard for the communities adjacent to the proposed site. These assumptions resulted in an underestimation of growth for the Security/Midway communities. Future land use in this area will continue to be residential and business. There is currently very little industrial activity in the area.

Most of this future development will likely evaporate and property values for all of East Montgomery County citizens will continue to plummet IF the proposed landfill is permitted. Who will want to live in Montgomery County once it becomes known as the SOUTHEAST TEXAS TRASH HEAP.

A precedent will also be set to allow multiple landfills to function within a small area REGARDLESS of economic and environmental impact. Wouldn't it be more practical and fair to disperse dump sites, with all counties sharing more of the responsibility of providing landfill space. Thus avoiding the possibility of labeling an entire county the SOUTHEAST TEXAS TRASHBIN.

Is it RIGHT to FORCE ONE COUNTY or COMMUNITY to shoulder the environmental burden and to endure SO MANY NEGATIVE CONSEQUENCES.

- **The drainage and flooding problems.**
- **The tremendous amount of concentrated trash truck traffic.**
- **The risk of Ground Water and Water Well Contamination.**
- **The loss of property values and development potential and the associated tax base.**
- **The destruction of the quality of life for the local residents and their families who must endure the**
- **health risks, noise, litter, dust, diesel exhaust, rodents, and danger to their children.**

Is all that fair to ask of one area, while the surrounding counties enjoy all the benefits?

It is very important that TCEQ and the applicant understand the breadth of community opposition to the permit.

State and Local Officials who are on the record as opposed to the permit application are: Montgomery County Commissioner's Court including County Judge Sadler and County Commissioner Ed Rinehart, State Representative Ruben Hope, State Senator Todd Staples, City of Cleveland, Liberty County Commissioner's Court, City of Cut and Shoot, and various local officials of Montgomery County.

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:05
CHIEF CLERKS OFFICE

OPA RECEIVED
PM AUG 09 2004
AT PUBLIC MEETING

PLEASE PRINT:

Name: MICHAEL WALTON

Address: 8111 HIDDEN TRAIL LN.

City/State: SPRING TX. **Zip:** 77379

Phone: (281) 379-3522

☑ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one? CITIZEN / PROPERTY OWNER

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

THE AMOUNT OF OUTRAGE OVER THE LOCATION OF THIS LANDFILL WAS OBVIOUSLY UNDERESTIMATED!

Please give this to the person at the information table. Thank you.

THE FACILITY FOR THE PUBLIC MEETING WAS WOEFULLY INADEQUATE. THIS MEETING NEEDS TO BE RESCHEDED TO QUALIFY AS A PUBLIC MEETING SINCE SO MANY PEOPLE HAVE BEEN DENIED ENTRANCE BECAUSE OF OVERCROWDING

37868

Dear Sir,
This letter is to ask your help in stopping the creation of a landfill in Montgomery County. TCEQ Permit # 2324. The proposed landfill site is located in a RESIDENTIAL area outside of Conroe. This location for a landfill will not only have a TREMENDOUSLY NEGATIVE effect on the surrounding residence's property values but will:

1. *Threaten the quality of water from wells that the residents depend on, causing health risks for citizens and possible future litigation. Who will* guarantee that there will not be hazardous or poisonous materials thrown into the construction dumpsters that serve as collection points for the debris that will end up in the landfill?
Toxins would be released into the air from the demolition waste dumped at the site such as lead paint particles and asbestos. These toxins will be carried onto the land, into the water, and inhaled by the hundreds of nearby residents. There are two streams right beside this site and these are active and flow into surrounding ponds and creeks that go into nearby towns.
2. *The quality of life in the community will surely suffer from the noise & dust caused by the overloaded trucks rumbling in and out of the residential area tearing up the road and belching diesel exhaust, dropping unsightly trash as they go, which will end up in the local property owners yards or cause tire damage to their vehicles.*
Local land development has boomed in the last two years and is projected to continue "IF" the landfill does not locate at this site. Immediately to the west of the landfill is a planned shopping center, a church, a day care center and more homesites. Many new homes and developments have been built within ½ mile of the proposed site within the last 1-2 years, such as, Oakridge Ranch and Blessing Homes on Oakridge Drive.
3. *Trash truck traffic also poses a threat to the children riding their bikes on the street that leads to the proposed dumpsite.*
4. *Landfills also attract rodents & vermin, which will add to the troubles and health hazards suffered by the local residents.*

Surely there is a better place to locate a 200+ foot high mountain of garbage than in a residential community!

THIS LOCATION IS A BAD IDEA! PLEASE HELP STOP IT!

Thank You So Much,
Mr. & Mrs. Michael Walton
8111 Hidden Trail Ln.
Spring, Tx. 77379
281-379-3522

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERK'S OFFICE

Msr
378408

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 37

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I rent a home within 12 miles of the proposed landfill and my address is 2201 Montgomery Park Blvd, Apt 913, Conroe, TX 77304 and I work at Zipp's Midway, 18321 Hwy 105 E, Cleveland, TX 77328. I live near the community of Conroe. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Fahad Waqas

Fahad Waqas

2201 MONTGOMERY PARK BLVD #913
CONROE TX 77304

24 MAR 2009 PM 3 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 37

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

PM JAN 17 2008
BY

2008 JAN 16 AM 10: 17

CHIEF CLERKS OFFICE

MSW 37868

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Cynthia Watford
Address- 13685 Tommy Smith rd. Conroe Tx 77306
Phone- 281 399 4268

Distance from proposed site- 8-10 miles

Negative impact to my health, safety and property will be - We have a well, we don't want our water Polluted. Traffic will be Worse. Trash Shouldn't be this close to our homes, schools & family.

Sincerely Cynthia Watford

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW 37868

OPA

PM

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 17

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

November 19, 2007

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Shawn Watford
Address- 13685 Tommy Smith Rd. Conroe TX 77306
Phone- 281-399-4268

Distance from proposed site- (a) 8 miles

Negative impact to my health, safety and property will be - Traffic, resale, smell, + unsightly.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NSKI
37808

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OPA

2009 MAR 24 PM 3: 27

CHIEF CLERKS OFFICE

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within ½ mile of the proposed landfill and my address is 406 N. Walker Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I didn't work for 40 years and build my home for my property value to be nothing.

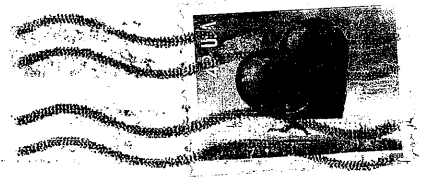
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

James Watkins

James Watkins
406 N. Walker Rd
Cleveland TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 L



RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

MSW 37868

OPA

BY

November 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10: 52
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- JAMES R WATKINS
Address- 406 N WALKER RD 77328
Phone- 281 5930301

Distance from proposed site- ~~1/10th of~~ 1 mile South

Negative impact to my health, safety and property will be - A Dump this Close will ruin our Water well and create so much traffic on our road its hard to get out on this main road now. Plus Devalue our Property

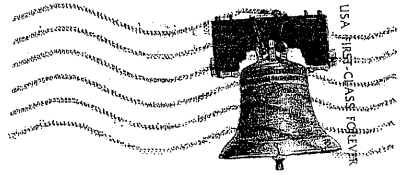
Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Mr. John B. Smith
15787 Miller Rd
Conroe TX 77303

N HOUSTON TX 773

04 JAN 2008 PM 7 L



MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
JAN 07 2008
TCEQ MAIL CENTER
RB

78711-3087

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 30 AM 9:25
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, LP. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

James R Watkins
Printed Name and Address
406 N. Walker Rd
Cleveland TX 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

NDW
378268

OPA

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3: 33

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

H

BY KY

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within ½ mile of the proposed landfill and my address is 410 N. Walker Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

JW

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

JW

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

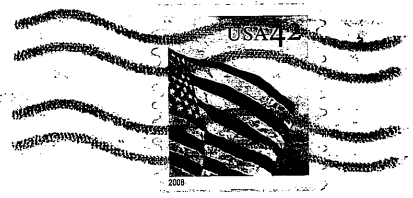
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

James Watkins, Jr.

James Watkins Jr.
410 N. Walker Rd.
Cleveland TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 T



RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -7 PM 3:30

CHIEF CLERKS OFFICE

OPA

BY EB

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- James Watkins
Address- 410 N Walker Rd
Phone- 281 593 0301

Distance from proposed site- 1 mile

Negative impact to my health, safety and property will be - I oppose The land filled b/c of all the Toxic waste being dumped and the amount Traffic going throughout The community.

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

nith
Rd
303

HOUSTON TX 772
05 JAN 2008 PM 3 T

MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
JAN 07 2008
TCEQ MAIL CENTER
RB

78711+3087

Kisky
378608

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:15

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within ½ mile of the proposed landfill and my address is 406 N. Walker Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Janice "Killer" Watkins

Janice "Killer" Watkins

Janice Watkins
406 N. Walker Rd
Cleveland TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 T

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

TCEQ Public Meeting Form

Thursday, April 10, 2008

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3: 3
CHIEF CLERKS OFFICE
OPA RECEIVED
APR 10 2008
AT PUBLIC MEETING

PLEASE PRINT:

Name: James Watkins

Address: 406 N. Walker Rd

City/State: Oleander TX Zip: 77328

Phone: (281) 593-0301

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

(over)

Please give this to the person at the information table. Thank you.

as a resident that lives on N. Walker 1/10 of a mile from Hwy 105 my objections to the landfill is the mainstream of traffic on Hwy 105 - is already too busy with garbage trucks going to Security Landfill. Crossing Hwy 105 in early morning or late afternoon takes entirely too long to cross. Also water contamination & health problems are a main concern. MLS offered the community a park! Is this still in the plans?

Thanks Jan Walker

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:37
CHIEF CLERKS OFFICE

MW

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Janice Watkins

Address: 406 N. Walker Rd

City/State: Cleveland Zip: 77328

Phone: 281 593 0301

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☑ No

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ I wish to provide formal oral comments.

☑ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

To Whom It May Concern,

OPA
MAR 10 2005
BY

37868
MSW

I have lived in this community for over 50 years, an approx 1/10 of a mile from Hwy 105 and approx 3/4 mile from the proposed landfill.

I have seen many changes take place in the past years, one being the Security landfill on Hwy 105, approx 1 mile from my home, and now another landfill expected in the heart of our community. where I have children + grandchildren living.

Every garbage truck turning onto N. Walker Rd will pass my home, where my grandchildren catch the school bus.

Being right off the highway where traffic is already making it hard to get onto 105, these trucks will make it almost impossible for us to exit our driveways.

Please take notice of all the children + young drivers in this community + make the right decision.

Thank You

Janice R Watkins
406 N. Walker Rd
Cleveland, TX 77328

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

2004 APR 27 PM 2:37
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

OPA
APR 30 2004
BY

Sincerely,

Janice Watkins
Signature

JANICE WATKINS
Printed Name and Address

406 N. Walker Rd.
Cleveland TX 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW 37868

PM OPA

JAN 07 2008

BY

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JAN -7 AM 10:52
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

 MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Angela Welch
Address- 3110 Walker Rd
Phone- 936-647-9049

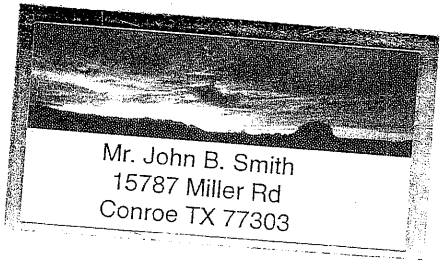
Distance from proposed site- 2 mile

Negative impact to my health, safety and property will be - traffic, water well, children safety & health

Sincerely

Angela Welch

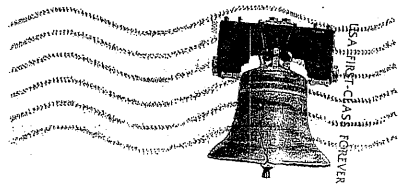
Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams



Mr. John B. Smith
15787 Miller Rd
Conroe TX 77303

N HOUSTON TX 773

04 JAN 2008 PM 3 L



MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
JAN 07 2008
TCEQ MAIL CENTER
RB

78711+3087

Nishi
3/8/08

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 35

CHIEF CLERKS OFFICE

OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is 382 Kinsman Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

CW MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

CW

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

CW

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Cliff Welch

Cliff Welch
382 Kinman Road
Cleveland Tx 77328

RECEIVED
MAR 2 6 2009
TCEQ MAIL CENTER
SS

HOUSTON, TX
23
770

USA CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

(14th)

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:41
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: CLIFFORD WELCH

Address: 382 KINSMAN RD

City/State: CLEVELAND TX **Zip:** 77328

Phone: (936) 718-3190

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**
(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:06
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

Craig Welch
Printed Name and Address
24639 Lakewood DR
Splendora TX 77372

OPA
JUN 01 2004

MSW 37868

(2) of 4

PM
H

OPA
DEC 17 2007
BY

November 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 17 AM 10: 49
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Dale Welch
Address- 2791 N. Walker Rd, Cleveland TX 77328
Phone- 281-592-9684

Distance from proposed site- 1/2 mile

Negative impact to my health, safety and property will be - air and ground water pollution to my well and garden. Also increased traffic

Sincerely

Dale Welch

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Karen J. Welch
2791 N Walker Rd
Cleveland, TX 77328

N HOUSTON TX 773
14 DEC 2007 PM 2 L

HAPPY HOLIDAYS
USA 41

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 17 AM 10:49
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Tx 78711-3087

RECEIVED
DEC 17 2007
TCEQ MAIL CENTER
JH

78711-3087

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Dale Welch
Signature

DALE WELCH
Printed Name and Address

2791 N. Walker Rd
Cleveland Texas 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

2004 APR 29 PM 2:42
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA
APR 30 2004
BY

MSM
37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 46

CHIEF CLERKS OFFICE

OPA

BY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 3 miles southeast of the proposed landfill and my address is 20973 SH Hwy 105, Cleveland, TX 77328. I live near the community of Security/Midway. I use my property for a residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

MW

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

My water well is less than 65 ft deep and I am very concerned that it will be contaminated by leakage from the landfill. I do not believe that the liner will protect my water well from pollution from the landfill. The base of the landfill will be 60 feet deep the same as my well.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

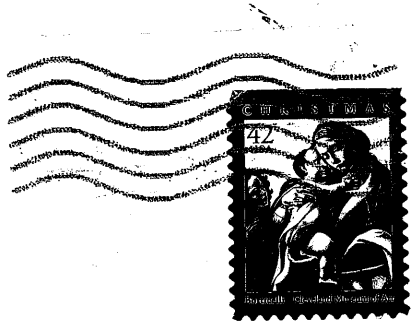
Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Deborah Welch

Debra Welch
20973 Hwy 105
Cleveland Tx 77328

HOUSTON TX 772
24 MAR 2009 PM 2 T



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 45
CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

N 3W
378108

OPA

H

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 25 PM 2:49

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1 mile of the proposed landfill and my address is ~~408~~ 486 Kinsman Road, Cleveland, TX 77328. I live near the community of Security. I use my property for residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

jcw
mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

 JCW

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

JEW

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

I am concerning about my small children's health and how this will affect them.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Jimmie C. Welch

Jim Welch
486 Kinsman Rd
Cleveland Tx 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 L

USA 42

RECEIVED
MAR 25 2009
TCEQ MAIL CENTER
JH

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 25 PM 2:49
CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk MC. 105
TCEQ.
12100 Park 35 Circle
Austin Tx 78753

7875381208 C045

Mrm
378108

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 53

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

OPA

H

BY KY

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 1 mile of the proposed landfill and my address is 2787 North Walker Rd, Cleveland, TX 77328. I live near the community of Security. I use my property for a residence. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

John L Welch

John Welch
2787 N. Walker Rd
Cleveland, TX 77328

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 10: 53
CHIEF CLERKS OFFICE

HOUSTON TX 772
24 MAR 2009 PM 1 T

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 APR 29 PM 2:37
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, LP. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

John L. Welch
Signature

John L. Welch
Printed Name and Address

2287 N. Walker Rd
Cleveland Tex 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

MSW
3-18-08

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3: 12

CHIEF CLERKS OFFICE

H OPA

BY KY

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home approximately 2,000 feet south of the proposed landfill and my address is 2791 North Walker Rd, Cleveland, TX, 77328. I live in the community of Security/Midway. I use my property for a residence and my husband and I are retired. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. I have to drive by their proposed driveway twice a day every day and my grandchildren will be riding by there twice daily on the way to and from school. I am very concerned about traffic safety and the increased chance of accidents due to the large number of trucks on SH 105 and local roadways. We will also have to breathe all the exhaust fumes from the trucks.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.
A few years ago my property was flooded. It looked like two rivers running down both sides of my house and water came right up to my front door covering my front porch. The water came from the north where the proposed site is located. I am very worried that in the future runoff from the site will contaminate my property during floods. I am very concerned that the increased surface area due to the 200 ft landfill height will add to the flood waters in my area.
The ditch across the street from our house is almost always full of water and when it rains a lot it floods over the roadway.

Who is going to be held responsible for damage to my water, my land and the air that I breathe and my overall health? MLS is buying property to further facilitate the permit approval and does not care about health and safety in the community.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site. We plant a large garden every year and I am very concerned that runoff from the site will pollute our vegetable crop.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that the liner won't protect the underlying aquifers and that pollution from the site will ruin our water well. My whole family lives within a mile of the site and we are all at risk from air, water and soil pollution from the site. That's a lot of Welchs!

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design. I have a lot of allergies bordering on asthma and my doctor has stated that I should protect my health and be very careful of air quality. Also the fumes from all the trucks coming in and out will greatly affect my lungs and those of my family and grandchildren living on our property.

Comment 33 Landfill Gas and Hydrogen Sulfide Generation
Response 33: I am very concerned that deteriorating wall board/sheet rock in the landfill will generate hydrogen sulfide gas that will escape into the air allowing poisonous gases to come from the site into the surrounding community. The hydrogen sulfide gas can also dissolve into the water in the landfill and create dangerous acids that can damage the liner and leach into the underlying groundwater. I believe that the large volume of waste that goes into the site will increase this risk.

Comment 39 Property Value and Area Development
Response 39: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324. I don't see how MLS's amended application meets all statutory regulations that were in force when they made their application, unless the rules have changed to cut them some slack.

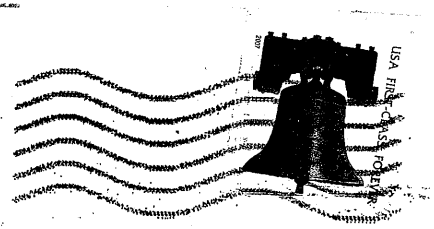
Sincerely,

Karen J Welch, Dale Welch

Dale and Karen Welch

Dale Welch
2791 North Walker Rd
Cleveland Tx 77328

HOUSTON TX 772
23 MAR 2009 PM 1 T



MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

TCEQ Public Meeting Form

Thursday, April 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 APR 15 PM 3:32
CHIEF CLERKS OFFICE

Montgomery Landfill Solutions, LP
Proposed Municipal Solid Waste Permit
No. 2324

PM H
OPA RECEIVED
APR 10 2008
AT PUBLIC MEETING

PLEASE PRINT:

Name: Karen J. Welch

Address: 2791 N. Walker Rd

City/State: Cleveland Tx Zip: 77328

Phone: (281) 592-9684

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Citizens Against the Landfill

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 APR 15 PM 3:35

CHIEF CLERKS OFFICE

April 10, 2008

PM

OPA RECEIVED

APR 10 2008

AT PUBLIC MEETING

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Karen J. Welch
Address- 2791 N. Walker, Cleveland TX 77328
Phone- 281-592-9684

Distance from proposed site- 1/2 mile

Negative impact to my health, safety and property will be - all of the above, especially the polluted air (I have a lot of allergies), traffic (my grandchildren will be catching the school bus & there is already too much traffic on Walker Rd & 105. And the most important is water safety. Everyone in East Montgomery has a water well. How often do you check the water & if you find something wrong, how soon will we be notified? Who will be held responsible if something goes wrong? We plant a garden every year & if the landfill causes flooding on my land it could poison my crops. It seems everyone is so worried about running out of good drinking water. It would make a lot of sense to keep from ruining the good water we already have.

Sincerely,

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

(over)

Sincerely, Karen J Welch

MLB According to your permit application, how many trucks per day will come to the landfill? And, how will you be able to assure the residents on North Walker Road that so many trucks on their roads will not be a real safety hazard? If your permit to enter landfill from Hwy 125, can your trucks also use KW Walker Road or Duck Creek Road ~~[illegible]~~ or Tree Monkey Road, etc. too.

MSW 37868 PM H

OPA
DEC 17 2007
BY

1 of 4

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 17 AM 10:49
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324. * I be allowed to speak.

Name- Karen J. Welch
Address- 2791 N. Walker Rd, Cleveland TX 77328
Phone- 281-592-9684

Distance from proposed site- 1/4 - 1/2 Mile

Negative impact to my health, safety and property will be - The increased waste truck traffic & Revised roadway will bring even more danger to my family due to more traffic accidents & pollution (Several of us have bad allergies & problems breathing). A few years ago my property was flooded; it looked like 2 small rivers running down both sides of my house & it came within 2" of flooding my house which sits up higher. If the dump had been there then, it would have polluted my well or also my waste garden which we plant every year. The ditch across my road is always full of water & it floods over road to my property. Who is going to be held responsible for the damage to my water, air, environment or my health? I don't see how the ammended application meets all Statutory Regulations that was in force before they ammended it unless they are being cut some slack.

Sincerely
Karen J Welch

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Karen J. Welch
2791 N Walker Rd
Cleveland, TX 77328

N HOUSTON TX 773
14 DEC 2007 PM 2 L

HAPPY HOLIDAYS
USA 41

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 DEC 17 AM 10:49
CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Tx 78711-3087

RECEIVED
DEC 17 2007
TCEQ MAIL CENTER
JH

78711-3087

March 10, 2005
MC105, TCEQ
P.O. Box 13087
Austin,Texas 78711-3087

OPA
MAR 10 2005
BY

37867
MSW

RE: Montgomery Landfill Solutions,L.P.,Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH105 and Walker Road,Montgomery County,Texas.There are many reasons why I believe that the proposed landfill on Walker Road is a very bad idea:

1) We don't need another landfill as we already have two in the area and it will be used mostly for garbage coming from four other counties, not ours.

2) Traffic congestion is already bad on Highway 105 and I'm told it is the most dangerous Highway in Texas. So adding three hundred fifty or more garbage trucks each day, coming and going,will be a disaster.

3) Walker Road is the only access street to a large subdivision. It is very narrow with dangerous curves and has no ditches for water drainage,nor any sidewalks for our children to walk or ride bicycles on. Several school busses pick up and deliver kids to and from school each day.My grandson was almost run over getting off a school bus last year because the car coming around the curve didn't see him until it was almost too late.

4) There are several hundred homes within a two to three mile radius of the proposed land fill and they all use water wells. I don't think the liners the landfills use will be sufficient to keep these wells from being contaminated. Once the aquafer is conyaminated it will effect people for miles and miles.

5) Flooding is also a major concern,as we have problems already. With the dump there all the run off water will be contaminated,and there is no way it cannot affect the drinking water and everyone downstream.(Splendora,New Caney,Humble,and Houston)

6) Also,there is the environment to worry about,and pollution of our air from all the trucks coming in and out. If there was ever a tornado or hurricane it would have garbage strewn for miles. It will be bad enough, just the garbage falling off the trucks and littering our streets.

7) Last but not least, no one is buying property or building homes aruond here because of the proposed dump. And our property values have fallen because no one wants to live here anymore.

I am requesting that the Contested Case Hearing on this application be held in Montgomery County, Texas and that I be allowed to speak.

Sincerely,

Karen J Welch
Signature

Karen J. Welch
Printed Name and Address

2791 N. Walker Rd
Cleveland Tx 77328

cc: Represenative Ruben Hope,Senator Todd Staples, Senator Tommy Williams

37868

August 09, 2004

OPA RECEIVED

H
PM AUG 09 2004

AT PUBLIC MEETING

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:42
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Karen Welch. I am a resident in the area and I am concerned about:

I've lived there 25 yrs.

Transportation / Traffic Issues — grand children are standing right at the dangerous S-curve and all of my neighbors children are also waiting there. That road and the design structure is not safe for commercial traffic.

Water — Not enough notice is given if a problem occurs

Flooding — We live in an area that floods massively.

Also worry that it will be changed from a 4 to 1 like the other one was on Hwy 105.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

I request a contested case hearing.

Sincerely,

Name Karen Welch
Address: 2791 N. Walker
City, State, & Zip Cleveland TX 77328
Phone: (281) 592-9684

15th

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

2004 AUG 11 PM 2:42
CHIEF CLERKS OFFICE
ON ENVIRONMENTAL QUALITY

PLEASE PRINT:

Name: Karen J. Welch

Address: 2791 N. Walker Rd

City/State: Cleveland TX **Zip:** 77328

Phone: (281) 592-9684

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☒ **Yes** ☐ **No**
If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

(4)

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Karen Welch

Address: 2791 N. Walker

City/State: Cleveland Tx Zip: 77328

Phone: (281) 592-9684

☐ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? CAML

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☒ I wish to provide formal oral comments.

☒ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

PM

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 22 PM 2:22
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Karen J. Welch
Signature

Karen J. Welch
Printed Name and Address

2791 N. Walker Rd
Cleveland Tx 77328

OPA
APR 30 2004
BY

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Sandy Welch
Signature

Sandy Welch
Printed Name and Address

24639 Lakewood Dr
Splendora Tx 77372

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:5
CHIEF CLERKS OFFICE
OPA
JUN 01 2004

CUSM
378UR

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 52

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 10 miles of the proposed landfill and my address is 12565 Robin Lane, Willis, TX 77378. I live near the community of Willis. I use my property for residence. I am also a vested business interest of Skin Deep at 18363 Hwy. E, Bldg. C, Cleveland, TX 77328. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Janet Westbrook

12565 Robin Lane
Willis, Tx 77378

HOUSTON TX 772
24 MAR 2009 PM 1 T

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 26 AM 10: 52

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CE
RB

78711+3087

PM OPA RECEIVED 37686
H AUG 0 9 2004
AT PUBLIC MEETING

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:07
CHIEF CLERKS OFFICE

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Sabrina Westerfeld. I am a resident in the area and I am concerned about:

the landfill being built on wetlands, that should be registered and protected by the State of Texas. The area the landfill is being built on floods and flows across the street into the surrounding neighborhood. Too much traffic and heavy trucks will cause more deadly intersections. Waste that is dumped onto accidents at the

the landfill could seep into water supplies. Even though they claim that it is a commercial landfill with building material waste it still contains chemicals that can be harmful to people. I stand to inherit my parents property and will lose a substantial amount of money because the landfill will lower property values. It just sounds to me that the landfill is going to cost a lot of money for the applicants due to the fact that they are paying to widen walker Rd. Why don't they just find a place closer and save money in the long run due to lower gas and milage.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Sabrina Westerfeld
Address: 2021 Plantation Dr #705
City, State, & Zip Conroe, TX
Phone: 936 494-0144

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:05
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Sabrina Westerfeld

Address: 2021 Plantation DR #705

City/State: Conroe, TX **Zip:** 77301

Phone: 936 494-0124

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☑ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

PM
H

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 3:59
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** There is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. The threat of the proposed landfill being constructed in our community has stopped the new home construction in the subdivisions, properties owners that planned to sell their property cannot, and those that purchased land to build their dream home, will not. Property values have plummeted. Retirees who hoped to have an estate to support them in their senior years are losing their financial security.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane 17-21' wide county road with a 15 ton weight limit and the main entrance into our subdivisions and properties. The lives of school children waiting for their school bus, riding their bikes and walking to their friends or relatives, will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 200 + acres of timber are removed from the proposed landfill site for construction of a 273 foot tall landfill, then the natural barrier to contain the flood waters will be eliminated. The wetlands on this property has protected many property owners from flooding. With the elimination of the wetlands, the creeks will widen and flood the surrounding properties. Retention ponds will not help.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Mark Wiggins
Printed Name and Address

17416 Castle Wood Dr.
Conroe Tx. 77306

Mark Wiggins
Signature

OPA
JUN 01 2004

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -2 AM 9:58

CHIEF CLERKS OFFICE

November 19, 2007

PM OPA

H

BY

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided ade[illegible]te information about groundwater and aquifer [illegible]nditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Michael Wilkinson
Address- 20278 South Geronimo Trail Cleveland, Tx 77328
Phone- (281)-592-2466

Distance from proposed site- _____

Negative impact to my health, safety and property will be - My Family and I have lived in the Midway/security area for over thirty years, on well-water I am against anyone subjecting My Family to water contaminants, and furthermore, the impact of traffic entering or exiting the proposed Facility could endanger My child and other children transported to school on the bus.

Sincerely

Michael A Wilk[illegible]

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

Mishl
378108

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:14

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home less than 1 mile east of the proposed landfill and my address is 2304 Pine Rd, Cleveland, TX 77328. I live near the community of Security/Midway. I use my property for a residence and I grow a hay crop. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

mw

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Charlotte Williams

Charlotte Williams

James L. Williams &
Charlotte A. Williams
2304 Pine Rd.
Cleveland, TX 77328

N HOUSTON TX 773

23 MAR 2009 PM 6 L

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

MS. LA DONNA CASTANUELA
OFFICE OF THE CHIEF CLERK - MC 105
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE
AUSTIN, TX 78753

78753+1808

37868

August 09, 2004

PM
H

OPA RECEIVED
AUG 09 2004
AT PUBLIC MEETING

2004 AUG 11 PM 3:05
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Control
P.O. Box 13087
Austin, TX 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

My name is Charlotte Williams. I am a resident in the area and I am concerned about:

the safety of children in neighborhood There has been 14 traffic deaths in the period of 1½ years at the Midway area to the west of the road side park. With added garbage trucks working will be added traffic on 105 Hwy. It may not be the richest neighborhood but it is a place people live.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Name Charlotte Williams
Address: 2304 Pine
City, State, & Zip Cleveland, TX
Phone: 281 659 1230

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS ENVIRONMENTAL QUALITY
2004 AUG 11 PM 3:05
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Charlotte Williams

Address: 2304 Pine Rd

City/State: Cleveland **Zip:** 77328

Phone: (281) 659 1230

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**

If yes, which one? Land fill against

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ **I wish to provide formal oral comments.**

☑ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

Date:

PM H

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

2004 MAY 28 PM 3: 56
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the above referenced Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

Although there are numerous issues which I believe should lead TCEQ to deny this permit, my main objection concerns flooding, groundwater contamination and water well contamination.

As you are aware, there are active creeks on the east and west side of the proposed landfill. One hundred (100%) of the residents and businesses within a one (1) mile radius and beyond receive their potable water supplies from well water. These wells range in depth from 30 feet to well over 275 plus feet deep. These water wells are not typically lined and represent a situation wherein any contamination, which penetrates the local soils, has a high potential of being transported to the lower potable water acquifers and thereby the local wells.

Cattle owners in the immediate area depend on retention ponds for water. If the ponds become contaminated and the cattle are taken to slaughter houses and their meat sold to the public, who will be responsible for the health problems that will result in the consumption of contaminated meat?

We were told by Mr. Gary Horwitch, Engineer for MLS, at the Public Meeting April 22, 2004, that they periodically conduct tests to check for contamination. When asked "If contamination was detected, what is the time frame of notifying the residents", he responded: "It takes thirty days to receive the test results and if there is contamination, the residents would be notified within the following 15 days after receiving the report." This is totally unacceptable.

Montgomery Landfill Solutions, L.P. claims the proposed landfill site is outside the 100 year flood plain based on the 1996 FEMA flood plain map. When FEMA redrew the map in 1996, the only change was in southern Montgomery County. The rest of the County, including our area, is still based on the pre-existing 1978 Flood Plain Map. Many changes have occurred in our area since 1978 and we demand that TCEQ request FEMA to re-evaluate the flood-plain in this area before considering approval of the permit.

I am requesting a contested case hearing and that the TCEQ public meeting on this application be held in Montgomery County, Tx. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Charlotte Williams
Signature

Charlotte Williams
Printed Name and Address

2304 Pine Rd
Cleveland, Tx 77328

OPA
JUN 01 2004

DUE DATE

WWC# 11096010

PM E. Bellar

TEAM ☒ I ☐ II ☐ III

OPA

SEP 06 2005

BY

RECEIVED

SEP 02 2005

Aug 28 2005

WASTE PERMITS DIVISION
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

To. Intested persons

Montgomery Landfill Solutions, L.P.
MSW Permit # 2324

MSW 37868

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2005 SEP -6 AM 11:50
CHIEF CLERKS OFFICE

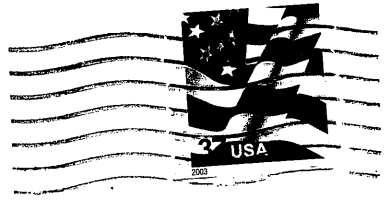
I think this is not good because it has or will have the main entrance way as the neighborhood uses to get to there homes; Then the roads are narrow country curved Roads. School buses run these Road also. Off of 105 HWy. In less than a year we have had 14 death due to traffic wrecks. there is not much room to turn in for a big truck At the intersection of 105 and N. Walker. Its also going to be nice to see junk stack higher than the trees. I moved from Houston 1yr & 8mon. to be in quite zone. Thanks

James & Charlotte Williams

James L. Williams &
Charlotte A. Williams
2304 Pine Rd.
Cleveland, TX 77328

MC124

6 N HOUSTON TX 773
PM
31 AUG
2005



RECEIVED
SEP 02 2005
TCEQ MAIL CENTER

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

78711-3087

Attention
MSW Permit # 2324

Nowl
378108

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Via facsimile: (512) 239-3311
and surface mail

OPA

2009 MAR 24 PM 3:32

CHIEF CLERKS OFFICE

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

BY KY

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home less than 1 mile east of the proposed landfill and my address is 2304 Pine Rd, Cleveland, TX 77328. I live near the community of Security/Midway. I use my property for a residence and I grow a hay crop. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

James Williams

James L. Williams &
Charlotte A. Williams
2304 Pine Rd.
Cleveland, TX 77328

RECEIVED
MAR 2 4 2009
TCEQ MAIL CENTER
MM

N HOUSTON TX 773
23 MAR 2009 PM 5 T

MS. LA DONNA CASTANUELA
OFFICE OF THE CHIEF CLERK - MC 105
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE
AUSTIN, TX 78753

78753+1808

MSW
378608

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3:34

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

OPA

March 21, 2009

BY

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I live with James Williams and the residence is less than 1 mile east of the proposed landfill and my address is 2304 Pine Rd, Cleveland, TX 77328. I live near the community of Security/Midway. The property is used for a residence and to grow hay crops. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

James S. Williams

James L. Williams &
Charlotte A. Williams
2304 Pine Rd.
Cleveland, TX 77328

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

N HOUSTON TX 773
23 MAR 2009 PM 5 T

MS. LA DONNA CASTANUELA
OFFICE OF THE CHIEF CLERK - MC 105
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE
AUSTIN, TX 78753

78753+1808

November 19, 2007

OPA
PM
JAN 17 2008
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN 16 AM 10: 16

CHIEF CLERKS OFFICE

37868

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

mw

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Esther Williams
Address- 254 WESTCOTT ST. / HOU TX 77007
Phone- 713-802-9005

Distance from proposed site-

Negative impact to my health, safety and property will be - UNSAFE INVERMENT

Sincerely

Esther Williams

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

L LAZY J RANCH

JOHN & LEAH SMITH
15787 MILLER ROAD
CONROE, TEXAS 77303

N HOUSTON TX 773

RECEIVED

JAN 2008 PM 1

JAN 16 2008

TCEQ MAIL CENTER

MS LA DONNA CASTANUELA
CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

78711+3087

Via facsimile: (512) 239-3311
and Surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 26 AM 10: 33

CHIEF CLERKS OFFICE

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 2061 North Walker Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence and gardening. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

LW

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

LW

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

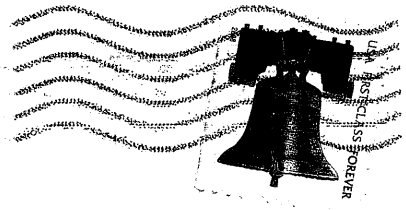
Sincerely,
Lacey Williams

LACEY WILLIAMS
2041 N. WALKER RD
CLEVELAND TX. 77328

HOUSTON TX 772

TEXAS 24 MAR 2009 PM 5 L

COMMISSION
ON ENVIRONMENTAL
QUALITY



2009 MAR 26 AM 10: 33

CHIEF CLERKS OFFICE

Ms La Donna Castanuela

Texas Comm. On Envirmental Quality
Office of Chief Clerk, MC 105
PO Box 13087
Austin, Texas 78711-3087

RECEIVED
MAR 26 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW
37868

H OPA

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2009 MAR 24 PM 3:18

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 14. 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a non-profit community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home 0.5 miles from the proposed landfill and my address is 19144 SH 105, Cleveland, TX 77328. I live in Security. I will be adversely affected by the proposed facility in a manner not common to the general public. I/we have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed all <u>three</u> previous public meetings in English. The Spanish speaking community was noticed in Spanish for the amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. As it was common knowledge that the majority of the community is Spanish speaking, only serving notice for the permit amendment in Spanish not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.

mw

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to continue the approval process with an amendment to the permit that inadequately addresses traffic while ignoring all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The and is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to maintain the same degree of traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site,. The monitoring system design will only detect leakage once it has left the site and has caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area.
This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324

Sincerely

Herschel R. Wilson

Herschel R. Wilson
19144 SH 105
Cleveland, TX 77328

HOUSTON TX 772
23 MAR 2009 PM 8 T

USA FIRST-CLASS FOREVER

MS LA DONNA CASTANUELA
TEXAS COMM. ON ENVIROMENTAL QUALITY
OFFICE OF CHIEF CLERK, MC 105
PO BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
RB

78711+3087

MSW 37563

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JAN -2 AM 9:58 PM

CHIEF CLERKS OFFICE

OPA

BY RG

November 19, 2007

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25 –year storm.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The applicant has not provided ade[illegible]e information about groundwater and aquifer[illegible]ditions at the site.

The applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to request another public meeting to allow TCEQ to answer question about the amended roadway and revised traffic count. The applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a contested case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Wm Waters
Address- 115 Seminol
Phone- Montgomery TX 77356

Distance from proposed site- 5 mile from work place

Negative impact to my health, safety and property will be -
It will consist the road as I travel back and forth to work

Sincerely,

William Waters

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

NSW
31800

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 26 AM 11:03
CHIEF CLERKS OFFICE

OPA
H
BY KG

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castafiuela
Texas Commission on Environmental Quality
Office of the Chief Clerk – MC 105
P.O. Box 13087
Austin, Texas 78711-3087

March 19, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I Jacqueline A. Woychesin own a home approximately 3/4 miles North East of the proposed landfill and my address is 7627 Greenwood Drive and I am specifically writing to request a contested case hearing. I am an "affected person" and I live in Midway, in the Hidden Acres Subdivision, and approximately 1.2 miles from the Security Landfill site, which has the capacity to sustain our county for 20 more years and I live southeast from the other Waste Management Industrial Waste Site approximately 10 miles Northwest. This positions this Permit #2324 site on N. Walker Road to be sandwiched between these other landfills within a ten-mile radius. This third landfill, this particular proposed facility that is only two streets over will adversely affect me in many ways but also in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Mostly my concerns surround the issues of safety and other hazards presented by this landfill site being placed in our neighborhood some of which TCEQ does not address but none the less relevant and should be considered. All of these issues were raised during the comment period but some do not show to be listed on this Directors Decision. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in

MW

Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill. There is NO community support for this landfill. The nearest city or municipality, which is Cut and Shoot, is opposed to this landfill and has a resolution to state that. The City of Conroe did write a resolution to support this although they DO NOT have jurisdiction over our area and are OUT of the ETJ, and therefore should not have input into this situation, which is stated in TCEQ rules of "community support" ESPECIALLY since some of those very council members who initiated this resolution personally benefited financially from the sell of the land and that is a conflict of interest.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest and in within feet of an area that is Nationally tagged Wetlands. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants, repeatedly. The first Q&A was cancelled at the first public meeting and the applicant actually sat there and refused to answer any questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ. The rules were changed to accommodate the applicant multiple times, just as in the permitting process, continuously allowing the applicant to fix any issues that the community would raise. There was no respect to the applicant or consideration for the serious implications of these repeated actions that cause the rubber stamping of this permit.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and

communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not. This location was selected due to the fact that the area lacks political representation and financial means to fight legally a nightmare such as this. This violates our right to our property supported in the 14 th Amendment and the 5th Amendment.

Comment 11 Locations and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and is sandwiched between the Waste Management Industrial site on Loop 336. This constitutes clustering and redundancy of facilities and an undue and unfair hazard to this geological environment, which sustains ALL of the waste, burden for this county. Further the proposed landfill will accept waste from Harris, Waller, Liberty and San Jacinto Counties. The Security Site already accepts waste from multiple counties and private individuals and produces steady convoys of traffic all day long traveling the same road these several hundred trucks will travel on. The accurate number of trucks coming and going is not presented to the TCEQ, as this facility will allow yet hundreds more trucks to come to use their facility as well, which means possibly triple the amount presented to TCEQ. This number presented from MLS increases every single time TCEQ allows them yet another change or revision to this original permit, original #2312, which was changed to #2324 and then the old rules get to apply from the time of the 1st permit, which again, is wrong.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved. Just because your laws allow someone to buy a license without actually meeting legal requirements does not mean this is right, and this needs to be fixed. It would be insane for someone to get a drivers license and then be able to sell it someone else who has not met the requirements, and again, just because the rules that TCEQ goes by is not properly written, this does not mean this should be legal, and we need to change these corrupt practices. This applicant has a horrible reputation of dishonesty and corrupt practices even if he were allowed operate this facility and dishonest business practices and no good faith should be taken into consideration by your permitting agency.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. There has been a population explosion and the traffic due to growth in this area alone is astronomical now, which compounds the burden should this facility be allowed to go in. **The proposed permit is not compatible with land use in the surrounding area.** The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is a minimum requirement to maintain traffic safety in the area. 105 is one of the most dangerous roads in this state and adding even thousands more trucks on a two lane road is just insane.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain and potentially an inadequate design for holding ponds that contain drainage and runoff effluent. Again, the design of the site was deliberate to escape the boundaries of the documented flood plain areas, which was at least 2 decades outdated, and is most certainly not correct. This project is in a dangerous flood plain and bending the rules should not constitute approval from TCEQ.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site. Surrounding areas have run out of water and our county is now capturing ground water to pipe to these areas. This project will definitely

contaminate this aquifer, which people out here get our water from this aquifer, and the one under that which is the Evangeline, which is where I get my water. We MUST PROTECT OUR WATER, which is a precious commodity that we are running out of in this state and others. For that one reason alone, I am appalled that this permit is even being considered.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution. There are several hundred water wells within one mile of site and many more within a few miles of the site. All are at risk due to liner failure.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This hazard becomes a serious problem as soon as the site is taller than the surrounding tree and only becomes more acute as the landfill is built to higher elevation. This is not addressed at all in the permit design. There are 5 schools nearby where these trucks will travel on the same roads daily, and they will release asbestos and other fiberous aggregates or other pollutants that will most certainly cause harm to our school children and residence in these communities.

Comment 33 Landfill Gas and Hydrogen Sulfide Generation
Response 33: Neither the applicant or TCEQ have not demonstrated that the current landfill design will protect the health and safety of the community from dangerous gas releases from the site. Sheetrock/gypsum wallboard, a common construction/demolition material, generates hydrogen sulfide gas when it deteriorates. This highly poisonous gas can be released into the air and into the surrounding community. The hydrogen sulfide gas can also dissolve into water in the landfill creating acidic fluids that can damage the clay liner and leak into the underlying groundwater supply. The large volume of waste projected for this landfill further increases the risk of this hazard. We should know this, we are sandwiched between two landfills now and we see the mountain of waste from the Security landfill every day and smell the foul odors constantly.

Comment 39 Property Value and Area Development
Response 39: The landfill has been injected into a residential community and the potential air, water and soil pollution will significantly lower property values in the surrounding community. No one wants a landfill literally in their neighborhood and in their back yard. What ever happened to RESPONSIBLE siting. Who is in charge of making sure these projects are put in safe locations?
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Jacqueline A. Woychesin
7627 Greenwood Drive
Cleveland, TX 77328
(281) 593-0738

12

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
MSW Permit No. 2324
Thursday, March 10, 2005

PLEASE PRINT:

Name: Jacqueline Woychesin

Address: 7627 Greenwood Dr

City/State: Cleveland, TX **Zip:** 77328

Phone: 281 593-0738

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☐ **Yes** ☐ **No**

If yes, which one?_____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☑ **I wish to provide formal oral comments.**

☐ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

33

TCEQ Public Participation Form
Montgomery Landfill Solutions, L.P.
Public Meeting
Proposed MSWDISP Permit No. 2324
Monday, August 9, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 AUG 11 PM 2:46
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Jacqueline Woychesin

Address: 7627 Greenwood Dr

City/State: Cleveland TX **Zip:** 77328

Phone: (281) 593-0738

☐ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☑ **Yes** ☐ **No**

If yes, which one? CAML & citizen/resident

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

☐ ✓ **I wish to provide formal oral comments.**

☑ ✓ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

November 19, 2007

MSW 37868

OPA

PM JAN 17 2008

H BY

2008 JAN 16 AM 10: 16

CHIEF CLERKS OFFICE

Ms. La Donna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Montgomery Landfill Solution amended permit application MSW # 2324

Dear Ms Castanuela:

My comments are being submitted in response to the Notice of Application and Preliminary Decision for a Municipal Solid Waste Permit issued by the Texas Commission on Environmental Quality (TCEQ) November 13, 2007. These comments are submitted in opposition to the amended Application by Montgomery Landfill Solutions, L.P. for the proposed Type IV facility on the basis of the issues listed below.

The amended roadway configuration will cause dangerous traffic congestion at the SH 105 intersection and at the intersection of North Walker Road and the landfill private drive approximately 0.3 miles north of SH 105.

The new roadway width is narrower and the course thickness is thinner than the standards set by TCEQ in the earlier version of the permit proposal. HGAC mandated the need for roadway improvement and adequate traffic allowances.

The Applicant has failed to provide adequate documentation on the availability and adequacy of the roads that will access the site.

The Applicant's amendment has increased the number of waste vehicles into the proposed site and has failed to adequately quantify traffic volumes for North Walker Road and the impact of Landfill traffic on local traffic patterns.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules regarding the design, construction and maintenance of a run-off managements system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour 25-year storm.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules that natural drainage patterns will not be significantly altered.

The Applicant has failed to provide sufficient information to demonstrate compliance with TCEQ rules about how it will handle, store, treat and dispose of surface water that has become contaminated at the landfill.

The Applicant has failed to provide sufficient information to demonstrate compliance with TEQ rules that storage areas for contaminated water are designed appropriately with regard to size treatment, location and method and have an approved liner covering the bottom and side slopes.

The Applicant has failed to provide adequate information to demonstrate compliance with TCEQ rules regarding location and quantities of surface drainage entering, exiting or internal to the site and the area subject to flooding by a 100-year frequency flood, including Lawrence Creek, tributary to Lawrence Creek, and the West Fork of Spring Branch.

The Applicant has not demonstrated that no surface water or run-on water containing pollutants will escape the site and flow into the above creeks, surrounding jurisdictional wetlands, or surrounding private property. The Security/Midway communities will be exposed to contaminated surface water from the site if this is note adequately addressed.

The Houston-Galveston Area Council (HGAC) noted local government official's concerns that the proposed landfill increases flooding risk due to runoff from the landfill site. Serious drainage problems on and near North Walker Road exist despite adequate maintenance of drainage ditches. HGAC also stated that the Applicant should demonstrate that the landfill will not exacerbate localized flooding. Lawrence Creek and West Fork Spring Branch flow into Caney Creek which in turn flows into Lake Houston (Houston's surface water source). Contaminated fluids carried by flood waters will travel from the site into the surrounding East Montgomery County Communities and into Lake Houston over the life of the proposed landfill.

MW

The Applicant has not provided adequate information about groundwater and aquifer conditions at the site.

The Applicant has not addressed a comprehensive groundwater monitoring plan for the site sufficient to protect the affected neighborhood down-gradient of the site.

The Applicant has failed to provide adequate information that documents all wells, spring and water bodies within 500 feet and/or 1 mile of the sites.

The proposed landfill aerial buildup is 200 feet above the surface of the ground. This is the height of a 20 story building and will greatly exceed the height of the alleged tree cover precluding even minimal screening for the site. HGAC also expressed concern about the aerial buildup citing it as excessive for the surrounding terrain even with existing tree cover.

The proposed site has been injected into a rapidly growing residential area. The Applicant has failed to adequately quantify growth in the Security/Midway area.

The Security Waste Management Type I landfill is 1.6 miles southeast of the proposed site and has recently expanded to accept Montgomery County waste for an additional 30 years. I believe this area has been singled out for landfill clustering. This practice is discouraged by HGAC waste management goals. The Applicant has not been able to demonstrate any clear benefit this proposed landfill will provide to the community.

A significant amount of acreage bordering Lawrence and West Fork Spring Branch include jurisdiction wetlands. The Applicant has failed to adequately demonstrate that these wetlands, associated wildlife, including migratory birds will not be disturbed or irreparably harmed.

The Applicant has failed to demonstrate that the facility and/or the operation of the facility will not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

The Applicant has failed to demonstrate that its facility will conform to the Regional Solid Waste Management Plan by HGAC.

The cost estimated for closure and post-closure appears to be underestimated.

The above concerns compel me to **request another public meeting** to allow TCEQ to answer question about the amended roadway and revised traffic count. The Applicant did not answer any questions at the first two public meetings. A third public meeting would allow the community to ask questions and get answers from the Applicant. There are several new subdivisions near the site and many of the new residents do not know anything about the permit.

By this letter and for the above reasons I am also requesting a Contested Case hearing on Montgomery Landfill Solution's MSW permit 2324.

Name- Julianne YOUNG
Address- 8086 Adcock Acres DR.
Phone- 936-445-3236

Distance from proposed site-

Negative impact to my health, safety and property will be - within 1 mile

Sincerely

Cc: Montgomery County Judge Sadler, County Commissioner Ed Rinehart, State Senator Robert Nichols, State Representative Brandon Creighton, US Senator Tommy Williams

MSW
37808

H OPA

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAR 24 PM 3: 14

CHIEF CLERKS OFFICE

Via facsimile: (512) 239-3311
and surface mail

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

March 21, 2009

RE: Montgomery Landfill Solutions Permit #2324

This letter is in response to the Executive Director's Response to Public Comment and opportunity to request a contested case hearing dated February 26, 2009. I am opposed to this proposed permit and amendment and hereby request a contested case hearing.

I am a member of Citizen's Against Montgomery Landfills a community based organization formed to organize and educate the residents who live in the vicinity of the proposed landfill and who are affected by the proposed landfill.

I own a home within 1/4 mile of the proposed landfill and my address is 2388 N. Walker Road, Cleveland, TX 77328 in the community of Security. I use my property for my residence, gardening and ranching. I will be adversely affected by the proposed facility in a manner not common to the general public. I have a personal justiciable interest in this matter related to the economic interest in my property affected by the application. Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

The following disputed issues are material to the Commissioners Decision and should be addressed in the Contested Case Hearing:

Comment 2 - Alternative Language Notice
Response 2: The permit was initially filed in March 2004 and TCEQ had noticed the first three public meetings in English. The Spanish speaking community was noticed in Spanish in 2007 for the roadway amendment only. The amendment primarily addressed the changes to the permit due to a new private roadway into the site. It did not detail other aspects of the permit that went directly to site engineering, construction and operation. It was common knowledge that the majority of the community is Spanish speaking. Serving notice in Spanish for the permit amendment only was not prudent and was an unacceptable oversight on the part of TCEQ. It further reflects the inaccurate and incomplete information submitted by the applicant. The Spanish speaking community has not been adequately noticed and thus has not been able to respond. Further due to the lack of due notice and the opportunity to make comment the Spanish speaking community will be harmed by the facility.

Comment 4 - State and Local Government Involvement
Response 4: This response did not accurately address the fact the Montgomery Landfill Solutions failed to demonstrate that the proposed landfill was compliant with the regional solid waste management plan. HGAC, September 2004 ruled the proposal neither compliant nor non-compliant with the regional solid waste plan and further cited issues with the site itself including access road, traffic, flooding and the proposed 200 ft height of the facility.
Response 4: Continued
Montgomery County Commissioner's Court, State Senator Robert Nichols, State Representative Brandon Creighton and ex-officio State Representative Rubin Hope have formally opposed this landfill.

HB 1053 clearly states the opposition of state officials to a landfill in the environs of the Sam Houston National Forest. TCEQ allowed the applicant to take more than 1 year to continue the approval process with an amendment to the permit that inadequately addresses traffic and ignores all other community concerns about health, safety, water quality and flooding.

Comment 6 – General Comments about Process
Response 6: TCEQ cites numerous public meetings as the reason for the long permit timeline. This is not accurate as Montgomery landfill solutions was required to address several protracted Notices of Deficiency on the original permit and the subsequent amendment. Montgomery Landfill Solutions was also allowed more than a year to purchase additional property for a private roadway into the proposed site, thus the amendment. It is also common knowledge that the process for the amendment to the application was not clearly defined by TCEQ rules. Further additional public meetings were required because the applicant chose venues that did not accommodate the participants. The first Q&A was cancelled at the first public meeting and the applicant refused to answer questions at the second meeting. It required a third public meeting to allow for public comment and Q&A. This process was not competently managed by TCEQ.

Comment 7 Environmental Public Defender
Response 7: Historical proceedings clearly indicate that experienced Environmental Attorneys are required to navigate the TCEQ permit process and to effectively address the TCEQ Commissioners at a Contested Case Hearing. Cost to residents and communities can be several hundreds of thousands of dollars. This is an unfair burden for a community to insure health and safety especially when TCEQ does not.

Comment 11 Location and Community Need
Response 11: The Waste Management Security Landfill can handle Montgomery County waste needs in entirety. The proposed landfill is 1.5 away from the Security facility and this constitutes clustering and redundancy of facilities.

Comment 13 Ownership
Response 13: The applicant has shown no commitment to operate this proposed facility and could possibly sell their interest to a contractor. Thus the applicant's degree of engagement is not to a quality facility as much as a profitable transaction once the permit is approved.

Comment 15 Land Use Compatibility
Response 15: The applicant has not accurately represented residential growth and development in the area. The proposed permit is not compatible with land use in the surrounding area. The proposed site is in the growth corridor for the community. The landfill is not compatible with growth trends in the area. The adverse impact of this facility upon the community, affected property owners and residents is reckless and poses a great threat to their health and safety. A facility of this size (473 acres) and height (200 ft) is a hazard to air and water quality, traffic safety and health in a residential community.

Comment 16 Access and Community Safety
Response 16: The traffic Study provided by the applicant does not accurately reflect the volume of traffic in the Security area. The intersection of the new access road off of SH 105 is ½ mile west of the intersection with North Walker Road and will still create a dangerous traffic situation on SH 105. A turn lane on SH 105 is the best way to improve traffic safety in the area.

Comment 24 Floodplain maps
Response 24: The applicant's estimation of the 100-yr floodplain for West Fork Spring Branch and Lawrence Creeks is based upon outdated FEMA maps that were subsequently updated by the applicant. The result is not an accurate representation of the 100-yr floodplain.

Comment 25 Flooding
Response 25: The applicant has not demonstrated that the proposed landfill configuration will adequately contain run-off from the site. It has also failed to demonstrate that drainage patterns in the area will not be adversely impacted thus focusing floodwaters into the community. The applicant has not demonstrated that the landfill design will adequately address surface water flooding and localized sheet run-off during heavy rainfalls. Surface water and soils in surrounding properties and wetlands will be contaminated by any run-off leakage from the site.

Comment 26 Liner
Response 26: The base of the landfill rests in the Chico aquifer and very near the Evangeline aquifer. A 3ft clay liner with overlying 1 ft productive soil layer will not adequately protect underlying groundwater resources from 250+ ft of waste over the expected life of the waste accumulation. I am very concerned that my water supply will be harmed by leakage from the site.

Comment 27 Water and Soil Contamination
Response 27: The applicant has not demonstrated that the liner will protect underlying aquifers and water wells from leakage from the site. The monitoring system design will only detect leakage once it has left the site and has already caused groundwater pollution.

Comment 32 Air Pollution
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

Comment 33 Property Value and Area Development
Response 33: The landfill has been injected into a community and the potential air, water and soil pollution will significantly lower property values in the surrounding community.
It will also alter the amount and type of development in the area. This must be addressed. It is irresponsible to conclude that this issue is outside TCEQ permitting mandates.

Finally I disagree with the landfill proposal and dispute that this permit is compliant with TCEQ rules and with the regional solid waste program as stated in numerous responses in the Executive Director's Response to Comments for MSW permit # 2324.

Sincerely,

Paul Zylman

2388 N. Walker Rd
Cleveland TX 77328

N HOUSTON TX 773
23 MAR 2009 PM 2 L

CUT & SHOOT TX
MAR 23 2009
USPS

RECEIVED
MAR 24 2009
TCEQ MAIL CENTER
MM

Ms. La Donna Castañuela
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

78753+1808

PM OPA RECEIVED

1X AUG 09 2004

37868

AT PUBLIC MEETING

2004 AUG 11 PM 3:05
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 09, 2004

Texas Commission on Environmental Control
P.O. Box 13087
Austin, Tx. 78711-3087

Re: Montgomery Landfill Solutions, L.P., Permit 2324

Our family began buying property on North Walker Road back in the early seventies as an investment and a place where our children could build their homes and raise their families. I feel that since the news of the proposed landfill became public our property values have decreased and will remain that way for the life of the landfill. If the landfill is constructed we feel it will also affect the quality of life in our area. We can sit in our back yard enjoying the rural setting and listen to the bulldozers working at the Security Landfill. We really would rather not listen to another set of bulldozers working all hours of the day and night.

I understand that MLS has stated that there is no agriculture activity within one mile of the proposed site. We have been running a purebred and commercial cow calf operation for over twenty years. In the past we have done intensive grazing running as many as two unit per acre on approx. one hundred and sixty acres of owned and leased property on North Walker Road. This being the case you can see why we are very concerned about water quality both of our water wells and from runoff. I am also concerned about any additional air pollutants that might be generated. We intend to monitor this situation to ensure the environmental quality for our livestock.

Another issue we have concern about is the safety of North Walker Road. In the past few years traffic has become so heavy on Walker Road that many times it is difficult to get out of our driveway. This traffic is residential traffic that starts about 5:00 A.M. and continues until midnight every day. The last thing we need is to add two or three hundred dump truck every day. We are concerned for the safety of the children in the area waiting for buses, riding their horses or bicycles down Walker Road. As you know there is a very dangerous S-curve combination T intersection at the intersection of North Walker Road and Parker Road. Over the years we have lost a considerable amount of property to the county as people encroach on our fence lines to try to straighten out the curve. I have rebuilt our fences on this corner dozens of times over the years. I understand that MLS is proposing to widen Walker Road and have the county take more of our property to straighten out this S-curve. We would be very much opposed to loosing any more property.

We request that you take a long look at whether there is really a need to put another landfill in this part of the county surrounded by residential development.

I am also requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, Texas to insure that the residents and local government officials will be able to register their concerns about this landfill proposal.

Sincerely,

Paul R. Zylman
2388 North Walker Road
Cleveland, Texas 77328

281-592-6842

PM

Date:

Office of the Chief Clerk
MC105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 APR 29 PM 2:34
CHIEF CLERKS OFFICE

RE: Montgomery Landfill Solutions, L.P., Proposed Permit No. 2324

Chief Clerk:

I am writing to register my objection to the proposed Montgomery Landfill Solutions, L.P. (MLS) proposed landfill on SH 105 and North Walker Road, Montgomery County, Texas.

There are numerous issues that I believe should be considered by TCEQ during the technical review of this permit:

1) **Current Landfills in Area:** This is a Type I, 375 acre landfill just 1.2 miles east from the proposed MLS landfill site. There is an industrial waste landfill on Loop 336, six (6) miles to the west, and a proposed transfer station eight (8) miles to the west of the proposed MLS landfill site creating a "clustering" of landfills in our immediate area.
2) **Land Development Use, Patterns of Development.** Within the past 12-24 months, there has been a substantial growth of new development (residential and commercial) within a 1-2 mile radius of the proposed landfill. At least 1,000 new homesites have been identified in the immediate area. Another landfill in this area will have a devastating economic impact on us.
3) **Transportation and Traffic:** The entrance to the proposed landfill on North Walker Road, is a two-lane, 21' wide county road, and the only entrance into our subdivision and properties. The lives of school children waiting for their bus will be endangered every day.
4) **Surface Water Drainage:** There are active creeks on the east and west side of the proposed landfill. If 273 acres of timber are removed from the proposed landfill site for construction, then the natural barrier to contain the flood waters will be eliminated.
5) **Ground Water Contamination:** The properties within a 1 mile radius of this proposed landfill site have water wells as their own source for water consumption and use. Some wells are as shallow as 30'.
6) **Wetlands:** The landfill site is saturated with wetlands, some under the U.S. Army Corps of Engineers jurisdiction and others in the center of the property. The wetland's retention of water not only helps to protect our community from flooding but serves as a natural habitat for wildlife as well as a migratory resting place for ducks and geese.

I am requesting that the TCEQ public meeting on this application be held in Montgomery County, Texas. I am also requesting that I be placed on your mailing list to receive future public notices of any landfill, transfer station, and/or waste water discharge applications in Montgomery County, Texas.

Sincerely,

Signature

OPA
APR 30 2004
BY

PAUL R. ZYLMAN
Printed Name and Address

2388 N. WALKER ROAD
CLEVELAND, TX. 77328

cc: Representative Ruben Hope, Senator Todd Staples, Senator Tommy Williams

KW