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June 15, 2009

VIA HAND DELIVERY

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 JUN 15 PM 3:28
CHIEF CLERKS OFFICE

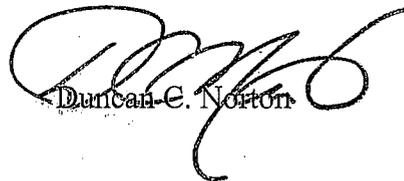
Re: TCEQ Docket No. 2005-1371-MSW
Montgomery Landfill Solutions, LP
MSW Permit No. 2324

Dear Ms. Castañuela:

Enclosed for filing in the above referenced matter is an original and seven copies of Applicant's Response to Request for Hearing. Copies of Applicant's Response to Requests for Hearing was served on the following parties of record or their counsel, to the hearing requestors at their addresses listed on the attached mailing list, and to the individuals on the attached supplemental mailing list pursuant to the Certificate of Service attached to the document.

Should you have any questions, please do not hesitate to contact me at (512) 322-5884. Thank you for your attention to this matter.

Sincerely,


Duncan E. Norton

DCN/ry
2107/01/tr090615

Enclosure

cc: Certificate of Service

TCEQ DOCKET NO. 2005-1371-MSW

IN RE THE APPLICATION OF
MONTGOMERY LANDFILL
SOLUTIONS, LP.
PERMIT NO. MSW-2324

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BEFORE THE 2007 JUN 15 PM 3: 28
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

APPLICANT'S RESPONSE TO REQUESTS FOR HEARING

Applicant MONTGOMERY LANDFILL SOLUTIONS, L.P. ("MLS" or "Applicant") files this its Response to Requests for Hearing pursuant to 30 TAC §55.209(d) and other applicable rules of the Texas Commission on Environmental Quality ("TCEQ" or the "Commission"), respectfully showing:

I. INTRODUCTION

MLS is a Type IV municipal solid waste (MSW) landfill proposed to be located north of State Highway 105, approximately 10 miles east of Conroe, Texas in Montgomery County. The proposed landfill will be limited to receipt of only construction and demolition waste¹ and will primarily serve the disposal needs of Montgomery County.

On March 17, 2004, MLS applied for a Type IV landfill permit. The Executive Director declared the application administratively complete on April 4, 2004. Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit (NORI) was published on April 21, 2004 in the *Conroe Courier*. A public meeting was held in Conroe, Texas on August 9, 2004. The Executive Director completed technical review of the application on October 21,

¹ 30 TAC §330.2(28) ("Construction-demolition waste--Waste resulting from construction or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.")

2004, and prepared a draft permit. Notice of Application and Preliminary Decision ("NAPD") for a Municipal Solid Waste Permit was published on November 25, 2004. A second public meeting was held in Conroe, Texas on March 10, 2005. The Executive Director prepared his original Response to Public Comment ("RTCs"), and filed it with the TCEQ's Office of the Chief Clerk on July 6, 2006.

On November 10, 2006, the Applicant filed a major amendment to the application which included revisions that moved the landfill access off of North Walker Road and created a direct access route off State Highway 105. The Executive Director completed the technical review of the amendment on September 7, 2007, and a second NAPD was published on December 21, 2007 in English in the *Conroe Courier* and *Houston Chronicle*, and in the Spanish language newspaper of general circulation in Montgomery County, *El Sol*. A third public meeting was held on April 10, 2008 in Conroe, Texas, and a second RTC was filed by the Executive Director on February 13, 2009 with the Chief Clerk's Office and mailed on February 26, 2009. Additional hearing requests were accepted through March 30, 2009. As described in the Notice of Setting for the Commission Agenda dated June 1, 2009, the Office of the Chief Clerk has forwarded a list of 731 persons requesting a contested case hearing on the application.

A number of individuals and groups have commented on the application, and the issues raised in their comments and hearing requests are both broad and varied. MLS is filing this written response to the hearing requests pursuant to 30 TAC §55.209(d) and other applicable statutes and rules, requesting that participation in the contested case hearing be limited to "affected persons" only. It submits that, in the absence of a regulation containing a bright-line rule, persons who own property and reside more than approximately one mile from the facility boundaries should not be deemed to be affected persons unless they have otherwise shown a

particular legal right, duty, privilege, power or economic interest affected by the application that is not common to the general public. MLS also requests that the issues that are referred to hearing be reasonably and appropriately limited, in terms of both number and scope, consistent with the provisions and purpose of Tex. Water Code Ann. §5.556(e) and its enabling legislation, H.B. 801 (76th Legislature, 1999).

II. ORGANIZATION OF RESPONSE

Section 55.211 of MSW rules provides that a request for a contested case hearing shall be granted if the request is made by an "affected person" and it:

- (A) raises disputed issues of fact that were raised during the comment period, that were not withdrawn by the commenter... and that are relevant and material to the commission's decision on the application;
- (B) is timely filed with the chief clerk;
- (C) is pursuant to a right to hearing authorized by law; and
- (D) complies with the requirements of §55.201 regarding timing and contents of hearing requests.

30 TAC §55.211(c)(2).

Among other requirements, §55.201 requires that a hearing request:

- (A) be based on an issue that was raised in a public comment that was not withdrawn by the commenter in writing;
- (B) identify the requestor's person justiciable interest;
- (C) request a contested case hearing;
- (D) list all relevant and material disputed issues of fact that are the basis of the hearing request.

Id. at §55.201.

Section 55.209(e) states that responses to hearing requests must specifically address:

- (A) whether the requestor is an affected person;
- (B) which issues raised in the hearing request are disputed;
- (C) whether the dispute involves questions of fact or of law;
- (D) whether the issues were raised during the public comment period;
- (E) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing . . . ;

- (F) whether the issues are relevant and material to the decision on the application; and
- (G) a maximum expected duration for the contested case hearing.

Id. at §55.209(e).

This response is organized to address each of these requirements. Section III discusses which hearing requestors are "affected persons." Section IV discusses whether particular issues raised by commenters are appropriate for referral and includes a table which summarizes (and, to an extent, synthesizes) the 45 issues that the Executive Director identified in his responses to public comments. Section V discusses those issues that should not be referred. Section VI discusses the maximum expected duration of the hearing. Section VII discusses the requests for reconsideration, which did not raise any issues that had not been previously raised. Finally, the conclusion and prayer (Section VIII) contains a list of all issues that are appropriate for referral in terminology appropriate for referral, considering the relevant TCEQ regulatory language.

III. DETERMINATION OF AFFECTED PERSONS (§55.203)

Section 55.203 provides that, for an individual, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. It further provides that an interest common to members of the general public does not qualify as a personal justiciable interest. Section 55.203 suggests the following non-exclusive factors to be considered in determining whether a person is an "affected person":

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person

Overriding each of these requirements is the mandate that an interest common to members of the general public does not qualify as a personal justiciable interest as required to establish affected person status.

As an initial matter, §55.209(e) requires Applicant to address whether these "requestors" are affected persons under the standard set forth in § 55.203. Including the individuals who signed petitions which could be interpreted as requesting hearing, there are well over 1000 "requestors". It would be an impossible task for Applicant to make a separate response to each of these individuals. Fortunately, virtually all of the comments/requests are made on a limited number of forms. Applicant will address the affected party status of the numerous requestors/commenters in accordance with the form upon which their request/comment is made.

ASSOCIATIONAL STANDING

Requests for hearing have been filed by the association known as CAML. Section 55.205(a) provides that an association may request a contested case hearing only if the association meets all of the following requirements:

- (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
- (2) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

In its letters requesting a contested case hearing, CAML makes allegations which, if proven, would satisfy each of the three foregoing criteria. Based on those allegations, Applicant does not oppose the associational-standing, affected-person status of CAML as a party in a

contested case on issues referred by the Commission to the State Office of Administrative Hearings ("SOAH"). However, because CAML has alleged that the participation of its individual members is not required, and indeed the associational standing of CAML could not be allowed if its members' participation were required, Applicant objects to the individual participation of individual members of CAML in any contested case hearing.

If any individual member of CAML seeks his or her own individual participation in the contested case hearing, Applicant requests that such individual be required to appear and seek such individual party status based on sworn testimony and evidence presented by the individual in the preliminary jurisdictional hearing held by SOAH. Applicant requests that any order of the Commission referring the Application to SOAH contain specific ordering provisions requiring SOAH to make determinations of any individual members' individual standing based on an evidentiary showing of their entitlement to individual party status at the preliminary jurisdictional hearing. As discussed in more detail below, Exhibit 1 contains a sample form letter used by members of CAML to comment on the application and a listing of individuals that have either identified themselves as members of CAML or have been identified as such by communications from CAML itself.

PETITIONS

Three petitions were filed with the Chief Clerk's office on May 28, 2004. The first is signed: "The attached 120 names of concerned residents near the proposed landfill" ("120 Names Petition"). The second is signed: "The attached 459 residents near the proposed site" ("459 Names Petition"). The third is signed: "The attached 64 names of residents near the site of the proposed landfill" ("64 Names Petition."). These petitions identify matters of general public

concern but do not identify any individual that could have his or her health, safety or property interests adversely affected by the issuance of the requested permit.

120 Names Petition

While the 120 Names Petition contains a statement that the signatories "request a public hearing", the document fails to identify any individuals that meet the requirements to be an "affected person" under the MSW regulations. §55.201(d)(2) requires that a request for contested case hearing must contain a:

written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to the general public.

The 120 Names Petition does not suggest how any (much less each) of the individual signatories has any personal justiciable interest above and beyond that held by members of the general public. The allegations contained in the 120 Names Petition are all of a general public nature. For example: The petition alleges that "[t]he landfill will be very near churches, schools and day cares. This borders on child abuse and neglect." This allegation does not suggest that the health and safety of any particular person, or on the property of any particular person will be impacted in any way. (See also §55.203(c)(4) above.)

Similarly, the letter complains that the area north of the proposed landfill has frequent flooding. However, neither the textual content of the petition nor the identification of the individual signatories shows how any individual or his/her property could be impacted by flooding in the area. These are classic general public concerns which do not identify any particular person alleged to be "affected".

Moreover, while the 120 Names Petition purports to be signed by "residents near the proposed landfill" it fails to specify the proximity of any of the signatories to the landfill boundary. The signatories have therefore failed to suggest how the proximity of their property to the proposed facility satisfies the distance restrictions imposed by law on the activities of the proposed facility on their unidentified personal interests. (See §§55.201(d)(2) and 55.203(c)(2) above.) Because the 120 Names Petition fails to identify any individual or individual property interest that could be affected by the alleged general public concerns identified by the petition, no signatory to the petition qualifies as an affected person under §55.203 and the petitions do not qualify as requests for contested case hearing under §55.201.

Finally, the 120 Names Petition does not even request a contested case hearing as required by §55.201(d)(3). It only states: "We also request that the public hearing on this application be held in Montgomery County, TX." Section 55.201(d)(3) provides that, to qualify as a request for a contested case hearing, the statement must "request a contested case hearing." The 120 Names Petition does not.

459 Names Petition

Like the 120 Names Petition, the 459 Names Petition states numerous matters of concern to the general public, but fails to identify how any of the signatories thereto is an affected person under the criteria set forth in §55.203. The petition also does not qualify as a request for a contested case hearing for failure to make the statements regarding the impact of the facility on each individual signatory as required by §55.201(d)(2). For example, the petition complains of the information developed on water wells in the vicinity of the proposed landfill but fails to identify any of the signatories as an owner of a well located within one-mile of the facility. (See §55.203(c)(2) above.) The petition identifies a cheese factory located one-and-one-half miles

from the facility and expresses concern that this food source, sold around the world, not be put at risk. This is clearly a matter of general public (even allegedly world wide) concern, but does not satisfy the criteria of §§55.201 and 55.203.

Like the 120 Names Petition, the 459 Names Petition does not even request a contested case hearing as required by §55.201(d)(3). It contains the same request that the TCEQ public hearing be held in Montgomery County, TX.

64 Names Petition

The 64 Names Petition also fails to identify any individual that could be discerned to be an affected person under the criteria set forth in §55.203 and therefore does not qualify as a hearing request under §55.201. Like the 120 Names Petition and the 459 Names Petition, the 64 Names Petition does not even request a contested case hearing as required by §55.201(d)(3). It contains the same request that the TCEQ public hearing be held in Montgomery County, TX.

FORM COMPLAINTS

After setting aside the petitions described above, nearly all of the comments/hearing requests fit into one of four prefabricated forms. The most populous of these, and the most recently submitted, are form letters filed by members of CAML in March of 2009 in response to the Executive Director's Response to Public Comments ("CAML Response Form Letters"). The second most populous set of form letters were submitted by individuals in late 2007 or early 2008 in response to the Notice of Application and Preliminary Decision ("Notice of Application Form Letters"). The third most populous set of form letters were apparently submitted in response to the Notice of Filing of Application in approximately May of 2004 ("Notice of Filing Form Letters"). The fourth (and least) populous set of form letters were generally submitted as

written commentary at the public meeting on the Application held August 9, 2004 ("Public Meeting Form Letters").

CAML Response Form Letters

Exhibit 1 contains both an example copy of the CAML Response Form Letter and a list of members of CAML. One-hundred sixty-two of these form letters were submitted to the TCEQ. Based on the sheer number of these form letters and the stark similarity of their stated concerns, these concerns represent interests common to members of the general public, and therefore disqualify the writers as affected persons pursuant to §55.203(a).

Despite the common interests of the general public expressed in the CAML Response Form Letters, each includes in its third paragraph a statement about the writer's address and in many instances some statement about the distance of that address from the proposed facility boundary. These paragraphs contain the following self-serving conclusory statements:

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.

While these statements contain the proper buzz words and legalese, there is no statement particular to the writer of the letter explaining how he or she will be affected in a manner not common to the general public or how the matter relates to his or her economic interest. For this reason, the letters fail to establish, on an individual basis for each writer, how the individual is an affected person as defined in §55.203. Moreover, §55.201(d)(2) requires a:

written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public.

The CAML Response Form Letters do not contain such statements tailored to each individual member who signed such a letter and therefore they all fail to satisfy §55.201(d)(2).

More importantly, the letters do not appear to be requests for individual party status on behalf of the individual writers and actually disclaim such an interest. Each of the CAML Response Form Letters contains the following two statements:

I am a member of Citizen's [sic] 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.

* * *

Neither my claim asserted nor the relief requested requires the participation of the individual members of the Citizens Against Montgomery Landfills.

As discussed above regarding Associational Standing, CAML itself has alleged that the participation of its individual members is not required, and indeed the associational standing of CAML could not be allowed if its members' participation were required. The CAML Response Form Letters are crafted to support the associational standing of CAML and do so by disclaiming individual standing. Applicant believes that these letters are intended as requests for contested case hearing on behalf of CAML, which Applicant does not oppose.

Applicant does object to the individual participation of individual members of CAML in any contested case hearing. If any individual member of CAML determines to seek his or her own individual participation in the contested case hearing, Applicant requests that such individual be required to appear and seek such individual party status based on sworn testimony and evidence presented by the individual in the preliminary jurisdictional hearing held by SOAH.

Notice of Application Form Letters

Exhibit 2 contains an example copy of a Notice of Application Form Letter and a table listing the individuals who submitted such form letters and who live more than 1 mile from the

proposed facility boundary or do not state their distance from the facility. These form letters were pre-fabricated in response to the Notice of Application and Preliminary Decision regarding the Application and were then signed and submitted by area residents. Only limited personal information was added to the form letters.

Like the CAML Response Form Letter discussed above, the sheer number of Notice of Application Form Letters and the stark similarity of the issues identified demonstrate that these concerns are interests common to members of the general public, and therefore disqualify the writers as affected persons pursuant to §55.203(a). One example of how the form letters express interests common to members of the general public is that they all contain a statement that:

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.

When that many people all express the identical concern about a roadway used by the general public, it is unquestionably about an interest common to members of the general public, and therefore is not a basis for individual affected person status pursuant to §55.203(a).

Only by looking at the individual personal information supplied in the blanks of the Notice of Application Form Letters can it be determined whether the individual has expressed a basis on which he could be determined to be an affected person. (Such individually tailored statements are also required for the letter to be considered a valid request for contested case hearing under §55.201(d)(2)). The example form letter contained in Exhibit 2 cites well water pollution, stream pollution, and SH105 traffic as bases upon which there may be a negative impact on Mr. Ralph E. Benedict's health, safety or property. However, Mr. Benedict does not specify whether he is within a distance of the landfill that would make him an affected person (§55.203(c)(2)), he does not show how there is a reasonable relationship between the interests he

claims and the regulated activities at the landfill (§55.203(c)(3)), or how there is a likely impact of the landfill activities on his claimed interests (§55.203(c)(4)). Rather, Mr. Benedict states that he lives 10 miles from the facility. Ten miles from the facility is too far for Mr. Benedict's stated interests to be anything other than interests common to the general public, which disqualifies Mr. Benedict as an affected person pursuant to §55.203(a).

The Commission rules regarding municipal solid waste permitting regularly request information about land uses and other existing features within one mile of the proposed facility. Pursuant to §55.203(c)(2), one mile is the common distance restriction applied in determining affected person status in municipal solid waste permitting proceedings absent some other extraordinary personal impact. Individuals who have submitted prefabricated Notice of Application Form Letters and live beyond one mile from the facility, or who have not alleged that they live within one mile of the proposed facility, should not be considered affected persons as that term is defined in §55.203. Exhibit 2 contains a table listing the individuals that submitted hearing requests in the form of a Notice of Application Form Letter and admittedly live beyond one mile (or where the distance can not be determined from the letter) from the facility boundary. Each of these individuals should be denied affected party status.

Many of those individuals who submitted Notice of Application Form Letters and that allege that they live within one mile of the proposed facility boundary are also members of CAML. For example, in November, 2007, Charles E. and Marie E. Buzbee submitted Notice of Application Form Letters wherein they allege they live within 2000 feet of the proposed facility boundary. In March, 2009, the Buzbees submitted CAML Response Form Letter wherein they state they are members of CAML and that: "[n]either my claim asserted nor the relief requested

requires the participation of the individual members [themselves] of the Citizens Against Montgomery Landfills."

Applicant agrees. Each of the individuals that (1) submitted A Notice of Application Form Letter and (2) live within one mile of the proposed facility boundary, and (3) are also a member of CAML, should not be deemed affected persons entitled to individual party status. As described in detail above, these individuals should be required to submit evidence in the preliminary jurisdictional hearing at SOAH if they desire individual party status in addition to their membership in CAML (to which Applicant does not object).

There were 24 Notice of Application Form Letters filed by individuals that allege that they live within one-mile of the proposed facility boundary and who have not been identified as members of CAML. Following is an individual analysis of the affected party status of those individuals based on the allegations in their Notice of Application Form Letters:

Stephen Barfield:

Mr. Barfield alleges a "Distance from proposed site" of 1 mile. Based on this distance, Mr. Barfield could be an affected person. Mr. Barfield alleges negative impact to his health, safety and property will be "traffic & water well."

Johnny and Karen Beall:

Mr. and Mrs. Beall collectively filed three versions of the Notice of Application Form Letters. Two versions allege a "Distance from proposed site" of 1 mile, while the third alleges a distance of $\frac{3}{4}$ mile. Based on this distance, the Bealls could be determined to be affected persons.

In one typical form letter, Mr. Beall alleges negative impact to his 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. We live in a rural area to get away from all the traffic." Mr. and Mrs. Beall's claims regarding an entitlement to getting away from traffic are not supported by any law (§55.203(c)(1)).

Floyd C. Collins:

Mr. Collins alleges he resides next to the proposed facility. Mr. Collins alleges negative impact to his health, safety and property will be: "water, smell and traffic [sic]".

Tina Collins:

Ms. Collins alleges a "Distance from proposed site" of 1500 feet. Ms. Collins alleges negative impact to her health, safety and property will be: "Issue with smell, noise and well water".

Joshua Davis:

Mr. Davis alleges negative impact to his health, safety and property will be "Approx 1 mile from site lower property value more rats, snake, and the smell. My water is valuable to me and my right not to live next to a dump site." Based on a property location of 16373 Crocket Crossing, Mr. Davis actually lives 1.3 miles from the proposed facility boundary. Mr. Davis does not state why any claimed interests are within distance restrictions imposed by law. (§55.203(c)(2)), Based on this distance, Mr. Davis is not an affected person.

Mr. Davis' allegations do not address whether the interests he claims are protected by law (§55.203(c)(1)) or why it is likely that the proposed facility will have any impact on his health or safety or on his use of property (§55.203(c)(4)). Particularly, Mr. Davis cannot point to any law that gives him a "right not to live next to a dump", or that protects his property value.

Because Mr. Davis' property appears to be greater than 1 mile from the proposed facility boundary, his interests can only be deemed those common to members of the general public and therefore Mr. Davis should not be considered an affected person.

Alberto and Anneliese Enriquez:

Mr. and Mrs. Enriquez allege a "Distance from proposed site" of less than 1 mile. Based on a property location of 17631 Hwy 105 E, Conroe, Texas, Mr. and Mrs. Enriquez actually live 1.3 miles from the proposed facility boundary. Mr. and Mrs. Enriquez do not state why any claimed interests are within distance restrictions imposed by law. (§55.203(c)(2)), Based on this distance, Mr. and Mrs. Enriquez are not affected persons.

Mr. Enriquez alleges negative impact to his 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." Mrs. Enriquez similarly alleges: "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." Mr. Enriquez's allegation does not identify his business. Neither Mr. Enriquez nor Mrs. Enriquez address whether the interests they claim are protected by law (§55.203(c)(1)) or why it is likely that the proposed facility will have any impact on their health or safety or on his use of property (§55.203(c)(4)).

Steven Gothard:

Mr. Gothard alleges his property is adjacent to the proposed facility. Mr. Gothard alleges negative impact to his 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 affect 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." Mr. Gothard appears to be unaware that the Application has been amended to provide direct access from Hwy. 105.

Mr. Gothard's allegations, if proven, could demonstrate that he is an affected person. However, as the principal issue of concern to Mr. Gothard has been resolved by an amendment to the Application, it is possible Mr. Gothard is no longer interested in participation in any contested case concerning the Application.

Mark Grimes:

Mr. Grimes alleges a "Distance from proposed site" of 1/2 mile. Based on this distance, Mr. Grimes could be an affected person. Mr. Grimes alleges negative impact to his health, safety and property will be "traffic, garbage. And my well system plus my property value." Mr. Grimes' allegation does not address whether the interests he claims are protected by law (§55.203(c)(1)) or why it is likely that the proposed facility will have any impact on his health or safety or on his use of property (§55.203(c)(4)). Particularly, there is no law which protects Mr. Grimes' property value. Mr. Grimes' does not explain why "garbage" is an issue.

Kenny Hamby:

Mr. Hamby alleges his property is 1 mile from the proposed site. Mr. Hamby alleges negative impact to his health, safety and property will be: "traffic, children, water, hazardous to health, smell." Mr. Hamby's allegations, if proven, could demonstrate that he is an affected person.

Seth Jones:

Mr. Jones alleges a "Distance from proposed site" of 1/2 mile. Based on a property location of 3680 Woodpeckers Grove, Cleveland, Texas, Mr. Jones actually lives over 1.3 miles from the proposed facility boundary. Mr. Jones does not state why any claimed interests are

within distance restrictions imposed by law. (§55.203(c)(2)), Based on this distance, Mr. Jones is not an affected person.

Mr. Jones alleges negative impact to his health, safety and property will be "Lots of traffic, more road construction from wear & tear with trucks. Taxes will be raised." Mr. Jones' allegations do not address whether the interests he claims are protected by law (§55.203(c)(1)) or why it is likely that the proposed facility will have any impact on his health or safety or on his use of property (§55.203(c)(4)). Particularly, there is no law which protects Mr. Jones from raised taxes. Mr. Jones' concerns regarding traffic are common to the general public.

Mark Metheny:

Mr. Nelson alleges a "Distance from proposed site" of less than one mile. Based on this distance, Mr. Metheny could be determined to be an affected person. Mr. Metheny alleges negative impact to his health, safety and property will include traffic back-up.

Albert and Sheila Nelson:

Mr. and Mrs. Nelson allege a "Distance from proposed site" of 1/2 mile. Based on this distance, Mr. and Mrs. Nelson could be determined to be affected persons. Mr. Nelson alleges negative impact to his health, safety and property will be "Air pollution (bad allergies) traffic safety for family, ruin my well water and land + air." Mrs. Nelson similarly alleges "air pollution, traffic safety, flooding + well pollution".

David W. Sargent, Jr.:

Mr. Sargent alleges a "Distance from proposed site" as "We back up to it." Mr. Sargent alleges negative impact to his health, safety and property will be "Possible flooding. Hazardous truck traffic on our Highway. Air quality, and contaminating the water table where we get our well water".

Stephanie Simmons:

Ms. Simmons alleges a "Distance from proposed site" of 1 mile. Based on this alleged distance, Ms. Simmons could be an affected person. Ms. Simmons alleges negative impact to her health, safety and property will be "traffic, smell lower land value." Ms. Simmon's allegation regarding land value does not address whether the interests she claims are protected by law. Property values are not relevant in this proceeding.

James Singleton:

Mr. Singleton alleges a "Distance from proposed site" of 1 mile. Based on a property location of 18463 Thomas, Cleveland, Texas, Mr. Singleton actually lives 1.7 miles from the proposed facility boundary. Mr. Singleton does not state why any claimed interests are within distance restrictions imposed by law (§55.203(c)(2)). Based on this distance, Mr. Barfield is not an affected person.

Mr. Singleton alleges negative impact to his health, safety and property will be "I have small neices [sic] 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 from 105 and 1 mile south of the proposed land fill site." Mr. Singleton's allegations do not address whether the interests he claims are protected by law (§55.203(c)(1)) or why it is likely that the proposed facility will have any impact on his health or safety or on his use of property (§55.203(c)(4)). Mr. Singleton does not suggest whether he has any legal relationship with his nieces or whether they reside with him at 18463 Thomas, Cleveland, Texas. Absent evidence of a legal relationship, Mr. Singleton's concerns regarding his nieces are common to members of the general public and do not qualify Mr. Singleton as an affected person.

Ciara Smalling:

Ms. Smalling alleges a "Distance from proposed site" of 1 mile. Based on a property location of 410 N. Walker Road, Ms. Smalling actually lives 1.2 miles from the proposed facility boundary. Ms. Smalling does not state why any claimed interests are within distance restrictions imposed by law (§55.203(c)(2)). Based on this distance, Ms. Smalling is not an affected person.

Ms. Smalling alleges negative impact to her health, safety and property will be "I have adoamune hepatitis [sic] and with the landfill coming in I will get even sicker then I am. And with it in the air I won't 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." Ms. Smalling's allegations do not address whether the interests she claims are protected by law (§55.203(c)(1)) or why it is likely that the proposed facility will have any impact on her health or safety or on her use of property (§55.203(c)(4)). While Ms. Smalling does not state her age, the statements made in her hearing request strongly suggest she is a minor and would not have legal standing to participate in any contested case hearing absent representation by a legal guardian or attorney.

Sherry Smalling:

Ms. Smalling alleges a "Distance from proposed site" of 1 mile. Based on a property location of 308 Kinsman Rd. Cleveland, Texas, Ms. Smalling actually lives 1.5 miles from the proposed facility boundary. Ms. Smalling does not state why any claimed interests are within distance restrictions imposed by law (§55.203(c)(2)). Based on this distance, Ms. Smalling is not an affected person.

Ms. Smalling alleges negative impact to her health, safety and property will be: "water, pollution, traffic" Ms. Smalling's allegations do not address whether the interests she claims are

protected by law (§55.203(c)(1)) or why it is likely that the proposed facility will have any impact on her health or safety or on her use of property (§55.203(c)(4)).

George and Ricky Standley:

The Standleys live at 6342 Greenwood Dr., Cleveland, Texas, and allege a "Distance from proposed site" of 1/2 mile. Based on this alleged distance, the Standleys could be affected persons. George Standley alleges negative impact to his 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 contaminants." Ricky Standley alleges negative impact to his health, safety and property will be: "(1) airborne contaminates [sic] (2) traffic from trucks."

James R. Watkins:

Mr. Watkins alleges a "Distance from proposed site" of 1 mile. Based on a property location of 406 N. Walker Rd, Mr. Watkins actually lives 1.2 miles from the proposed facility boundary. Mr. Watkins does not state why any claimed interests are within distance restrictions imposed by law (§55.203(c)(2)). Based on this distance, Mr. Watkins is not an affected person.

Mr. Watkins alleges negative impact to his health, safety and property will be: "A dump this close will ruin our water well and cause so much traffic on our road its hard to get out on the main road now. Plus devalue our property." Mr. Watkins' allegations do not address whether the interests he claims are protected by law (§55.203(c)(1)) or why it is likely that the proposed facility will have any impact on his health or safety or on his use of property (§55.203(c)(4)). Particularly, there is no law which protects Mr. Watkins' property value.

Julianne Young:

Ms. Young alleges negative impact to her health, safety and property will be: "within 1 mile." Ms. Young does not make any allegation that any element of the construction or operation of the landfill facility will have any negative impact on her health, safety or use of property. Ms. Young's hearing request does not demonstrate that she is an affected person.

Conclusion

The following individuals reside within one mile of the facility and have made at least some statement as to personal justiciable interests that would qualify them as affected persons under §55.203:

Stephen Barfield
Johnny and Karen Beall
Floyd C. Collins
Tina Collins
Stephen Gothard
Mark Grimes
Kenny Hamby
Mark Metheny
Albert and Sheila Nelson
David W. Sargent, Jr.
Stephanie Simmons
George and Ricky Standley

While the allegations made by these individuals, if proven, could demonstrate that they are affected persons, if they desire to seek party status at any preliminary jurisdictional hearing, they should be required to present evidence at that time to demonstrate that their property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why their health and safety or use of property are likely to be adversely affected by the proposed landfill.

The following individuals live more than one mile from the landfill and/or have other defects in their hearing requests:

Joshua Davis
Alberto and Anneliese Enriquez
Seth Jones
James Singleton
Ciara Smalling
Sherry Smalling
James R. Watkins
Julianne Young

Each of the foregoing should be denied affected person status. If they desire to seek party status at any preliminary jurisdictional hearing, they should be required to present evidence at that time to demonstrate that their property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why their health and safety or use of property are likely to be adversely affected by the proposed landfill.

Notice of Filing Form Letters

As discussed above, the Notice of Filing Form Letters were filed in approximately May of 2004 in response to the Notice of Filing of the Application. A sample Notice of Filing Form Letter is contained in Exhibit 3 hereto. While these prefabricated forms contain the buzz words "I am requesting a contested case hearing . . .", they do not satisfy the requirements of §55.203 regarding establishing the requestor's affected party status.

Only two of the Notice of Filing Form Letters has any statement regarding the proximity of the requestor to the proposed facility's permit boundary. For lack of any statement regarding proximity, the Notice of Filing Form Letters fail to satisfy §55.201(d)(2) and do not demonstrate any distance restrictions or other limitations imposed by law on affected persons (§55.203(c)(2)). For lack of identification of any specific property or its proximity to the proposed facility, these forms letters can only be seen as expressions of interests common to members of the general

public. These letters therefore do not establish any requestor's specific interest protected by law (§55.203(c)(2)), whether a reasonable relationship exists between the requestor's claimed interest and the proposed facility (§55.203(c)(3)), or the likely impact of the facility on the health or safety or on the use of property of the requestor (§55.203(c)(4)). As such, these 45 Notice of Filing Form Letters do not demonstrate how the requestors' listed concerns are anything other than interests common to the general public.

Daniel and Jerry Heil:

Only the two Notice of Filing Form Letters filed by Daniel and Jerry Heil have a statement regarding the proximity of the requestors' property to the proposed facility. These letters allege that the Heils' property is 0.7 miles from the proposed facility. Mr. and Mrs. Heil allege, *inter alia*, that the facility could have traffic impacts and contamination impacts.

While the Heils' allegations, if proven, could demonstrate that they are affected persons, if they desire to seek party status at any preliminary jurisdictional hearing, they should be required to present evidence at that time to demonstrate that their property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why their health and safety or use of property are likely to be adversely affected by the proposed landfill.

Public Meeting Form Letters

An example Public Meeting Form Letter is contained in Exhibit 4 hereto. The Public Meeting Form Letters were apparently used at a public meeting on August 9, 2004. The blank forms contain the following statement:

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

This is not a request for a contested case hearing. This is merely a statement as to the preferred location of a contested case hearing (or public meeting) in the event one is held. The Public Meeting Form Letters therefore do not satisfy the requirements of §55.201(d)(3) and cannot be considered requests for public hearing.

A request for hearing must contain a specific written statement explaining in plain language the requestor's location and distance relative to the proposed facility and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public. §55.201(d)(2). Only two of the Public Meeting Form Letters contain statements of the requestor's location and distance relative to the proposed facility. The remaining 26 Public Meeting Form Letters do not satisfy the requirements of §55.201 and therefore cannot be the basis of affected person status.

Mary Lou Kirves:

Ms. Kirves alleges that she and a partner own a development – "Oakridge Ranch Estates – that is less than one mile from the proposed facility." It is actually over 14 miles from the proposed facility. Regardless of this allegation, Ms. Kirves' request is deficient for failure to request a contested case hearing as required by §55.201(d)(3) as discussed above.

Barbara Mayeux:

Ms. Mayeux alleges that her property is less than half a mile from the proposed facility. While Ms. Mayeux's allegations, if proven, could demonstrate that she is an affected person, as regards proximity to the proposed facility, her request is deficient for failure to request a contested case hearing as required by §55.201(d)(3) as discussed above.

Individual – Non-Form Requests

While the vast majority of the hearing requests fit into one of the four form type requests discussed above, there are a limited number of non-form requests as well. This section will address each of these non-form letters individually.

Karen Bradberry:

Ms. Bradberry filed a handwritten request for public hearing in March, 2009. The letter does not contain a specific written statement explaining in plain language the requestor's location and distance relative to the proposed facility and how and why the requestor believes she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public. §55.201(d)(2). Because the request is deficient, Ms. Bradberry does not qualify as an affected person.

Keystone Natural Resources:

Keystone Natural Resources has withdrawn its request for contested case hearing. Their withdrawal of request is attached as Exhibit 5.

Splendora Independent School District:

The letter from Leon W. Cubillas, Superintendent of Splendora Independent School District is not a request for contested case hearing, but is merely an expression of Mr. Cubillas' preference that any public meeting or contested case hearing be held in Montgomery County, Texas. Because the letter is not a request for contested case hearing, neither Mr. Cubillas nor the School District qualify as affected persons.

Jim Dawson:

Mr. Dawson's letter from March, 2005 is not a request for contested case hearing. Mr. Dawson merely states:

Prior to approving this landfill application, I respectfully request that the TCEQ Executive Director, "request a direct referral for a contested case hearing."

The letter from Mr. Dawson is a statement of a preference for location and not a request for contested case hearing and therefore does not satisfy §55.201(d)(3). Moreover, the letter does not contain a specific written statement explaining in plain language the requestor's location and distance relative to the proposed facility and how and why the requestor believes he will be adversely affected by the proposed facility or activity in a manner not common to members of the general public. §55.201(d)(2). Because the request is deficient, Mr. Dawson does not qualify as an affected person.

Lifestyle Community Church:

Rev. Hamilton's letter from August 9, 2005 is not a request for contested case hearing.

Rev. Hamilton merely states:

I am requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County.

The letter from Rev. Hamilton is a statement of a preference for location and not a request for contested case hearing and therefore does not satisfy §55.201(d)(3). Moreover, the letter does not contain a specific written statement explaining in plain language the requestor's location and distance relative to the proposed facility and how and why the requestor believes he will be adversely affected by the proposed facility or activity in a manner not common to members of the general public. §55.201(d)(2). Because the request is deficient, Rev. Hamilton and the Lifestyle Community Church do not qualify as affected persons.

Rep. Ruben Hope:

Representative Ruben Hope's letter does request a contested case hearing. However, Applicant does not believe Rep. Hope is asserting that he is an affected person or seeking individual party status.

Thornton Ireland:

Mr. Ireland wrote in August, 2005, regarding the TCEQ's Executive Director's decision to accept the Application. His letter does not request a contested case hearing on the application but rather seeks a contested case hearing "to reconsider the director's decision." The letter therefore does not satisfy §55.201(d)(3). The Commission may not revoke the Executive Directors determination of administrative or technical completeness. TEX. HEALTH & SAFETY CODE ANN. § 361.068(b).²

Walking K Farm:

Marilyn Kinney submitted written comments regarding the Application via an email dated March 25, 2009. The comments do not contain a request for a contested case hearing and therefore does not satisfy §55.201(d)(3). Moreover, the email states that Ms. Kinney's residence is 2.5 miles from the proposed facility. Based on this distance, Ms. Kinney and the Walking K Farm are not affected persons. Moreover, while providing general commentary regarding the proposed landfill, the email does not contain a specific written statement explaining in plain language how and why the requestor believes she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public. §55.201(d)(2). Because the request is deficient, Ms. Kinney and the Walking K Farm do not qualify as affected persons.

² Indeed, if a party wishes to challenge a determination of whether an application is administratively complete, it must appeal that final act to the District Court of Travis county within 30 days of the decision. *TCEQ et al. v. Kelsoe*, 2009 WL 1161270, (Tex. App. - - Austin, 2009) (reh. den.) (Not Released for Publication).

Nonnie and Ronald Moffett:

Mr. and Mrs. Moffett filed hand-written requests for a contested case hearing and allege that they live within one-half mile of the proposed facility. Mr. and Mrs. Moffett allege, *inter alia*, that the facility could have traffic impacts and contamination impacts.

While the Moffetts' allegations, if proven, could demonstrate that they are affected persons, if they desire to seek party status at any preliminary jurisdictional hearing, they should be required to present evidence at that time to demonstrate that their property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why their health and safety or use of property are likely to be adversely affected by the proposed landfill.

Travis Mayeux:

Mr. Mayeux alleges that he owns property within one-half mile of the proposed facility and identifies specific concerns related to the facility. However, Mr. Mayeux merely states:

I am requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County.

The letter from Mr. Mayeux is a statement of a preference for location and not a request for contested case hearing and therefore does not satisfy §55.201(d)(3). Because the request is deficient, Mr. Mayeux does not qualify as an affected person.

International Paper:

Mr. R. M. Palmer writes on behalf of International Paper in both November 2004 and March 2005, to express his opposition to the proposed facility. However, while one of the letters requests an additional public meeting, neither requests a contested case hearing. The letters therefore do not satisfy §55.201(d)(3). Because the requests is deficient, International Paper does not qualify as an affected person.

Lawrence A. and Carolyn Sue Rains:

Mr. and Mrs. Rains allege that they live within one-half mile of the proposed facility. Mr. and Mrs. Rains allege, *inter alia*, that the facility could have traffic impacts.

While the Rains' allegations, if proven, could demonstrate that they are affected persons, if they desire to seek party status at any preliminary jurisdictional hearing, they should be required to present evidence at that time to demonstrate that their property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why their health and safety or use of property are likely to be adversely affected by the proposed landfill.

Commissioner Ed Rinehart, Montgomery County Precinct #4:

Commissioner Rinehart's letter does request a contested case hearing. However, Applicant does not believe Comm. Rinehart is asserting that he is an affected person or seeking individual party status.

Carla Robles:

Ms. Robles alleges that she lives next door to the proposed facility. She further alleges, *inter alia*, that the facility could cause flooding and health effects. While Ms. Robles' allegations, if proven, could demonstrate that she is an affected person, if she desires to seek party status at any preliminary jurisdictional hearing, she should be required to present evidence at that time to demonstrate that her property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why her health and safety or use of property are likely to be adversely affected by the proposed landfill.

Montgomery County:

Montgomery County has submitted a variety of correspondence and resolutions, some of which request a contested case hearing. However, Applicant does not believe that the County is asserting that it is an affected person or seeking individual party status.

Travis Selph:

Mr. Selph submitted a letter in March, 2009. However, the letter does not request a contested case hearing and therefore fails to satisfy §55.201(d)(3). Because the letter is deficient, Mr. Selph does not qualify as an affected person.

John B. Smith:

Mr. Smith expresses concern for the people that live within one mile of the proposed facility but does not claim to be one and does not allege the distance or direction of his residence as required by §55.201(d)(2). Moreover, Mr. Smith merely states:

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

The letter from Mr. Smith is a statement of a preference for location and not a request for a contested case hearing and therefore does not satisfy §55.201(d)(3). Because the request is deficient, Mr. Smith does not qualify as an affected person.

Leah D. Smith:

Like Mr. Smith, Ms. Smith expresses concern for the people that live within one mile of the proposed facility but does not claim to be one and does not allege the distance or direction of her residence as required by §55.201(d)(2). Moreover, Ms. Smith merely states:

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

The letter from Ms. Smith is a statement of a preference for location and not a request for contested case hearing and therefore does not satisfy §55.201(d)(3). Because the request is deficient, Ms. Smith does not qualify as an affected person.

Robert Smith:

Mr. Smith does not allege the distance or direction of his residence as required by §55.201(d)(2). Moreover, Mr. Smith merely states:

I am requesting that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County, TX.

The letter from Mr. Smith is a statement of a preference for location and not a request for contested case hearing and therefore does not satisfy §55.201(d)(3). Because the request is deficient, Mr. Smith does not qualify as an affected person.

Linda Standley:

Ms. Standley submitted an email dated March 27, 2009 wherein she expressed a variety of concerns regarding the proposed landfill. However, Ms. Standley does not request a contested case hearing and therefore does not satisfy §55.201(d)(3). Because the email commentary is deficient, Ms. Standley does not qualify as an affected person. Ms. Standley also submitted a letter in August, 2004. In that letter Ms. Standley merely states:

I would also like to request that the TCEQ public meeting and contested case hearing on this application be held in Montgomery County.

The letter from Ms. Standley is a statement of a preference for location and not a request for contested case hearing and therefore does not satisfy §55.201(d)(3). Because the request is deficient, Ms. Standley does not qualify as an affected person. In addition, Ms. Standley is a

member of CAML. As discussed above, the members of CAML disclaim any need to participate individually as parties to the contested case hearing. For the foregoing reasons, Ms. Standley is not an affected person.

David and Linda Stegenga:

Mr. and Mrs. Stegenga filed written commentary in August, 2004 and March, 2009. The March 2009 letter alleges that Mr. Stegenga lives 6/10 of a mile from the facility. The Stegenga's further allege, *inter alia*, that the facility could cause flooding and air pollution. While Mr. and Mrs. Stegenga's allegations, if proven, could demonstrate that they are affected persons, if they desire to seek party status at any preliminary jurisdictional hearing, they should be required to present evidence at that time to demonstrate that their property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why their health and safety or use of property are likely to be adversely affected by the proposed landfill.

James E. Walkinshaw:

Mr. Walkinshaw alleges that he lives within ¼ mile of the proposed facility. He further expresses concerns regarding traffic. While Mr. Walkinshaw's allegations, if proven, could demonstrate that he is an affected person, if he desires to seek party status at any preliminary jurisdictional hearing, he should be required to present evidence at that time to demonstrate that his property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why his health and safety or use of property are likely to be adversely affected by the proposed landfill.

As to the individual non-form letter requests, the individuals on the following list have made allegations that they live within one mile of the facility and that they could be individually affected by the regulated facility.

Nonnie and Ronald Moffett
Lawrence A. and Carolyn Sue Rains
Carla Robles
Travis Selph
David and Linda Stegenga
James Walkinshaw

The following individuals have not made allegations establishing a personal judiciable interest that could be affected by the regulated facility and Applicant therefore objects to their status as affected persons.

Karen Bradberry
Keystone Natural Resources
Splendora Independent School District
Jim Dawson
Lifestyle Community Church and Rev. Hamilton
Thornton Ireland
Walking K Farm and Marilyn Kinney
Travis Mayeux
International Paper
Comm. Ed Rinehart
Montgomery County
John B. Smith
Leah D. Smith
Robert Smith
Linda Standley

CONCLUSION

Applicant requests that the Commission make findings as to the identification of "affected persons" as set forth above. Applicant has identified 24 individuals that have made allegations that, if proven would entitle them to "affected person" status.

Applicant requests that any order of the Commission referring the Application to SOAH contain a specific ordering provision requiring SOAH to make determinations of individual party status (including individual members of CAML) based on proof of residence within one mile of the proposed facility boundary and demonstration of a personable justiciable interest based on evidence presented at the preliminary jurisdictional hearing.

IV. ISSUES FOR REFERRAL
(§55.209(E)(2-6))

Once the "affected person" analysis has occurred and eligible parties have been identified, the Commission must determine which issues that have been raised by an affected person in a valid hearing request meet the requirements for referral to the State Office of Administrative Hearings ("SOAH") for consideration in the contested case hearing. *See* TEX. WATER CODE ANN. §5.556.

Table 4 below summarizes which issues may be referred to hearing in connection with this application, and why each issue should or should not be referred. The first column numbers each issue; these numbers correlate to the numbers that were used by the Executive Director in his RTCs. Following a review of the RTCs and the hearing requests, the Applicant has confirmed that, with one exception, all of the issues identified by the RTCs were requested in a hearing request.³ Therefore, it is appropriate to use the RTCs and their numbering system to identify issues.

The second column briefly describes each issue that was requested. Conceptually similar or similarly worded issues filed by different requestors (or even the same requestor) have been combined where appropriate. The third column states whether the comment was raised by an affected person. The fourth column states whether the issue was raised during a public comment period as required by §55.209(e)(4). The fifth column addresses whether the issue raised is a disputed issue of fact as required by §55.209(e)(2)-(3). The sixth column addresses whether the issue is relevant and material to the decision on the application, as required by §55.209(e)(6). The next column shows which applicable rules and/or statutes are implicated by the issue.⁴ No

³ The final issue in the RTCs, "Affected Party Status," was not raised in a hearing request. *See* Section V.

⁴ The rule cited refers to MSW Rules in effect when MLS filed its permit amendment application on March 17, 2004.

hearing requests were found to be based on issues raised solely in a public comment that was withdrawn by the commenter in writing (§55.209(e)(5)), so no column is provided for that requirement. The final column states whether the issue qualifies for referral under the Commission's rules.

An explanation is then provided in Section V for each issue that fails to meet any one of these criteria and thus should not be referred.

**Table 4 – Summary of Issues Considerations
Montgomery Landfill Solutions**

RTC NO.	ISSUE	RAISED BY INDIVIDUAL AFFECTED PERSON?	RAISED IN COMMENT?	DISPUTED FACT?	RELEVANT/MATERIAL?	MSW RULES	REFER?
1, 2, 3, 6, 7, 8, 9, 14, 36, 44	Procedural Issues / Notice	Yes	Yes	No	No		No
4	State and Local Government Involvement (demonstration of compliance with regional solid waste plan)	Yes	Yes	Yes (In part)	Yes (In part)	§330.51(b)(10)	Yes (as to compliance with RSWP)
4	State and Local Government Involvement (all other issues)	Yes	Yes	No	No		No
5	National Forest Land	Yes	Yes	No	No		No
10, 37, 42	Future Plans	Yes	Yes	No	No		No
11	Need / Alternative Locations	Yes	Yes	No	No		No
12	Old Landfills	Yes	Yes	No	No		No
13	Ownership	Yes	Yes	Yes	Yes	§330.52(b)(8)	Yes
15	Land Use	Yes	Yes	Yes	Yes	§330.53(b)(8)	Yes
16	Access / Traffic	Yes	Yes	Yes	Yes	§330.53(b)(9)	Yes
17	Drivers with criminal histories	No	Yes	Yes	No		No
18	Natural Disasters (Fires)	Yes	Yes	Yes	Yes	§330.115	Yes
18	Natural Disasters (Tornados)	Yes	Yes	No	No		No
19	Waste Acceptance	Yes	Yes	Yes	Yes	§330.114(5)	Yes
19	Illegal Dumping	Yes	Yes	No	No		No

RTC NO.	ISSUE	RAISED BY INDIVIDUAL AFFECTED PERSON?	RAISED IN COMMENT?	DISPUTED FACT?	RELEVANT/MATERIAL?	MSW RULES	REFER?
20	Windblown Waste / spilled waste	Yes	Yes	Yes	Yes	§§330.120 & 123	Yes
21	Nuisance – General	Yes	Yes	Yes	Yes	§330.5(a)(2)	Yes
21	Nuisance – Noise	Yes	Yes	Yes	No		No
21	Nuisance – Odor	Yes	Yes	Yes	Yes	§330.125(b) & 133(a)	Yes
21	Nuisance – Size	Yes	Yes	No	No		No
21, 23	Nuisance - Vectors	Yes	Yes	Yes	Yes	§330.126 & 133(a)	Yes
21	Nuisance - Buffer	Yes	Yes	Yes	Yes	§330.121(b)	Yes
22	Visual Screening	Yes	Yes	Yes	Yes	§330.138	Yes
24	Floodplain	Yes	Yes	Yes	Yes	§§330.55(b)(7), 330.56(c), 330.56(f)(4)(B), 330.56(g), & 330.301	Yes
25	Drainage	Yes	Yes	Yes	Yes	§330.56(f)(2) & (f)(4)(A)	Yes
26, 27, 29	Liner and Groundwater Protection	Yes	Yes	Yes	Yes	§§330.56(d), 56(e), 56(f), 56(k), 56(o), 200-205, & 231-235	Yes
27, 28, 30	Surface Water Protection	Yes	Yes	Yes	Yes	§330.139 & 56(f)(4)(A)(vii)	Yes
27	Documentation of wells and springs	Yes	Yes	Yes	Yes	§§330.52(b)(4)(A)(ii), 53(b)(8)(E), 56(d)(4)(J), 305.45(a)(6)(A)	Yes
31	Endangered Species	Yes	Yes	Yes	Yes	§330.53(b)(13)	Yes
31	Wetlands	Yes	Yes	Yes	Yes	§§330.51(b)(7), 53(b)(12)(B), 56(d)(3)(C),	Yes

RTC NO.	ISSUE	RAISED BY INDIVIDUAL AFFECTED PERSON?	RAISED IN COMMENT?	DISPUTED FACT?	RELEVANT/MATERIAL?	MSW RULES	REFER?
						302	
32	Air Pollution	Yes	Yes	No	No		No
33	Landfill Gas Monitoring	Yes	Yes	Yes	Yes	§330.56(n), 130	Yes
34	General Health Concerns	Yes	Yes	No	No		No
35	Waste Reduction, Reuse, and Recycling	Yes	Yes	No	No		No
38	Mineral Rights	No	Yes	No	No		No
39	Property Values	Yes	Yes	Yes	No		No
40	Closure and Closure Costs	Yes	Yes	Yes	Yes	§330.52(b)(11) , 56(l), & 253(d)(6)	Yes
41	Competency	Yes	Yes	No	No		No
43	Other Business and Research Concerns	Yes	Yes	No	No		No
44	Rubber Stamping	Yes	Yes	Yes	No		No
45	Affected Party Status	Yes	Yes	No	No		No

V. ISSUES NOT APPROPRIATE FOR REFERRAL

Section 50.115(c) of the Commission's rules states that the "commission *may not* refer an issue to SOAH for a contested case hearing unless the commission determines that the issue: (1) involves a disputed question of fact; (2) was raised during the public comment period; and (3) is relevant and material to the decision on the application" (emphasis added). 30 TAC §50.115(c). Additionally, issues must be raised in a timely request by a person who qualifies for party status as an affected person. *Id.* at §55.211(b)(3)(A). This section of MLS's response discusses the issues that are not appropriate for referral to SOAH.

Where the issue requested is not relevant and material to the decision to be made on the application, the issue is not appropriate for referral. Simply put, the Commission should ask whether an applicant's failure to sustain its burden of proof on an issue could result in denial of the application. If so, then the issue is relevant and material, and if not, then it is not. Since the Commission may not base a decision on factors not specifically enumerated by applicable statutes, rules, or regulations in making a decision on the application, such issues are not relevant and material. *Schor v. Tex. Real Estate Comm'n*, 1996 WL 457440, at *5 (Tex. App.—Dallas Aug. 14, 1996, no writ) (not designated for publication) ("...the TREC's decision is arbitrary when its final order fails to demonstrate a connection between the decision and the factors made relevant to its decision by applicable statutes and regulations.") (citing to *Pub. Util. Comm'n v. Gulf States Utils. Co.*, 809 S.W.2d 201, 212 (Tex. 1991)).

Procedural/Notice Issues

Comments 1, 2, 3, 6, 7, 8, 9, 14, 36, and 44

The protestants have raised several comments that are essentially procedural complaints about which there are no disputed facts that are relevant and material to the application. Notice is a question of law to be decided by the Commission, not a question of fact appropriate for referral to SOAH.

Comment 1 alleges that notice did not provide enough time for citizens to take action. Comment 2 requested notice in Spanish. Comment 3 alleges that the facilities for public meetings were inadequate, and that the applicant did not answer some questions. Comment 6 alleges that the TCEQ is not acting wisely or efficiently, and that the application was not carefully scrutinized for mistakes. Comment 7 alleges that the state should provide counsel to the protestants. Comment 9 alleges that the application should not be allowed to move forward after having been amended. Comment 14 alleges that a pre-application review should be required (under applicable rules it is optional). Comment 36 alleges that that the application should not be allowed to go forward after addressing NODs. Finally, comment 44 alleges that the commissioners rubber stamp applications.

In essence, all of the comments allege that the process prescribed by the rules is not adequate to protect their interests, not that the process was not followed. None of these comments allege that there is anyone who was not afforded an opportunity to be heard, nor do any of these comments allege any facts to show that the process followed was not in accordance with the rules. Accordingly, none of these issues is appropriate for referral.

State and Local Government Involvement

Comment 4

Non-COG comments: With one exception (an allegation that the Applicant failed to demonstrate that its facility would comply with the regional solid waste management plan developed by the Houston-Galveston Council of Governments discussed below), these comments fail to raise any disputed facts and do not raise issues that are relevant and material to the application. The issues requested pursuant to this comment generally allege that local government support for the application (Montgomery County, City of Conroe) should not be credited, and that failure to obtain support from other local governments should be held against the applicant.

These issues fail to raise any disputed issues of fact. There are no local governments in opposition to the application, and no commenter has alleged the contrary. Likewise, there is no dispute as to which local governments have supported the application and which have not taken a position.

These issues are also not relevant and material, since the TCEQ rules do not require local governmental support for the application. Since a finding against the applicant on these issues would not form the basis for a denial of the permit, the issues are not relevant and material to the decision on the application.

COG comment: One requestor alleged that the Applicant failed to demonstrate that its facility would comply with the regional solid waste management plan developed by the Houston-Galveston Council of Governments. Although MLS believes that it is clear that the application conforms to the regional solid waste management plan, the issue is appropriate for referral in that it alleges a disputed fact that is relevant to the decision to be made on the application.

National Forest Land

Comment 5

One requestor alleged that the landfill is to be located in a national forest. This issue is not appropriate for referral. This does not raise a disputed issue of fact that is relevant and material to the application, since there is no applicable rule or statute that precludes locating a landfill in a national forest.⁵

Future Plans

Comments 10, 37, and 42

These issues all raise concerns about future plans for the landfill. Comment 10 reflects a concern that the landfill might someday be expanded. Comment 37 addresses whether the landfill might later be converted to a Type I facility. Comment 42 is concerned with whether the landfill might someday be sold to BFI. These issues are not relevant and material since there are no rules requiring an applicant to state whether they intend to make such changes in the future. For such future changes to be made, the processes outlined in the regulations must be followed. MLS notes with respect to the protestant's concern that the facility might later be converted to a Type I facility, that such a change is explicitly prohibited by Texas Health and Safety Code § 361.123(c).⁶

Need / Alternative Locations

Comment 11

Aside from the demonstration of compliance with the regional solid waste plan, the MSW rules do not require applicants to engage in independent regional solid waste planning or analysis in connection with an application or to include additional materials pertaining to regional MSW planning or disproportional impact in the application. Further, although "need" is relevant in

⁵ Texas Health and Safety Code §361.123 was effective on June 18, 2005, over a year after the application was filed and by its own terms does not apply to this application.

⁶ Although §361.123 is not applicable to this application, it would be applicable to a future request to convert the facility from a Type IV to a Type I landfill.

permitting hazardous waste facilities, it is not an applicable requirement for MSW applications, including Type IV landfill applications. Thus, there is no disputed issue of fact pertaining to “need” or “Regional MSW Planning,” nor are such issues relevant and material to the application review process. This issue should not be referred to contested case hearing for both of these reasons.

Old Landfills
Comment 12

Concerns about landfills other than the landfill that is the subject of this application are not relevant. The MSW rules do not require an applicant to seek out existing landfills to remediate before permitting a new landfill. Further, the requestor did not allege any specific facts, such as what landfills he is referring to, for the issue to be suitable for referral to SOAH. For both of these reasons, the issue should not be referred.

Drivers with Criminal Histories
Comment 17

MLS strongly disagrees with the contention that the drivers bringing waste to the landfill will be sexual predators. Despite the obvious question of fact, this issue is not relevant and material, since there are no TCEQ regulations addressing such a notion.

Natural Disasters (Fires and Tornados)
Comment 18

Fires: Whether the application includes adequate provisions for fire protection as required by 30 TAC § 330.115 is relevant and material. Although the application provides more than enough information to show that it meets the requirements of the rules, the protestants have raised a disputed question of fact, and so the issue is appropriate for referral.

Tornados: Because there are no rules relevant to protection from tornados, this issue is not relevant and material, and not appropriate for referral to SOAH.

Illegal Dumping

Comment 19

MLS disagrees with the requestor's apparent belief that the landfill will result in an increase in illegal dumping. By having a place to legally take Type IV waste, MLS believes that illegal dumping in the area will likely decrease rather than increase. However, the issue is not relevant and material, since there are no rules requiring an applicant to prevent illegal dumping. MLS would point out, however, that the proposed SOP requires MLS to collect litter and waste materials along the right-of-way of public access roads serving the facility for two miles in either direction from its entrances.

Nuisance

Comment 21

General Nuisance: MLS disagrees that the landfill will create a nuisance, but has proposed an issue for referral of this issue to SOAH.

Odors, vectors, and buffer zone: MLS disagrees that odors or vectors will be a nuisance at this Type IV facility, but notes that it has proposed language for referral of these issues to SOAH.

Noise: Although this issue certainly raises facts in dispute, this issue is not relevant and material, and is therefore not appropriate for referral. There are no rules regulating noise at landfills. MLS would point out that the TCEQ has promulgated rules regulating noise at other MSW facilities, and could have promulgated such rules for landfills had it chosen to. See §330.59(b)(7) (taking noise pollution into account at Solid Waste Processing and Experimental Sites); §330.65(e)(8) (requiring measures to minimize noise pollution at facilities that are exempt from permit requirements); §330.71(f)(8) (requiring measures to minimize noise pollution at

Facilities That Process Grease Trap Waste, Grit Trap Waste, or Septage); and §330.73(e)(8) (requiring measures to minimize noise pollution at Liquid Waste Processing Facilities).

Size: This issue, in and of itself, is also not relevant and material, and is therefore not appropriate for referral. There are no rules limiting the size of landfills.

Air Pollution

Comment 32

Several requestors included comments regarding air quality/pollution. Under the rules governing this application, air quality/air pollution issues are not relevant or material. Instead, air issues at the landfill are regulated under a separate permitting regime. Because there is a separate process for evaluation of air emissions from landfills, this issue is not material or relevant to this application and this issue may not be referred to SOAH.

General Health Concerns

Comment 34

General issues regarding the potential health concerns of the requestors, particularly in the context of a greenfield site, do not raise a disputed question of fact, and are not appropriate for referral to SOAH. Similarly vague issues have been referred in recent landfill cases, injecting confusion into the contested hearing process, as applicants have struggled to determine what their burden of proof is as to these kinds of issues. In the context of a greenfield site such as this one, the issue is even less appropriate, since there is no history of health effects for protestants to rely upon as relevant to the issue: any evidence put forth by a protestant is necessarily prospective, must assume that the rules of the Commission are not adequate to protect their health (if not, then the evidence would be relevant to a referred issue), and virtually impossible for an applicant to rebut, other than with evidence that it meets the applicable TCEQ rules. The issue is particularly inappropriate, since it makes air issues – governed by a

completely different regulatory program and customarily not referred in landfill cases – potentially relevant in a landfill contested case hearing.

Such an issue should not be referred since evidence and arguments relevant to the issue are either redundant of the referred issues, or irrelevant to the issuance of the permit. The rules that the Commission has promulgated must be presumed to protect the public health. Without such a presumption, an applicant risks being denied a permit where he meets all of the applicable rules. With such a presumption the issue is redundant of the referred issues, since the applicant's burden is to show that it meets the requirements of the rules.

Such an issue should also not be referred because it potentially opens the hearing to evidence on issues that the Commissioners chose not to refer. For example, even in a case where the Commissioners chose not to refer air issues, an applicant must be prepared to put on evidence of air issues to rebut vague allegations of health effects from unknown emissions.

Requests for such an issue should also not be granted because the issue is vague. Terms such as "negatively impact" are not defined in the SWDA or the MSW regulations. They do not have any specific or generally accepted legal or technical meaning, and no scientific or medical standards. Moreover, such terms are not phrased or framed in terms of acceptable or relative levels of risk, duration, degree, or technological or economic feasibility. Terms such as "health of the requesters and their families" are also vague. Such issues do not discuss what aspect or aspects of the health of the requesters and their families must be addressed by the applicant or considered by the fact finder. They also fail to refer to any proposed waste stream, design criterion, operating standard or any other condition or activity at the facility that might conceivably impact health.

Not only does such an issue not raise a disputed question of fact, but the issue is contrary to H.B. 801. Referral of such health issues, particularly in the context of a greenfield site, effectively converts a limited referral of issues, as H.B. 801 contemplates, into a direct referral of the entire application. This undermines the very purpose and intent of H.B. 801 and the Commission's own rules. See TEX. WATER CODE ANN. §5.556(e) (referrals to hearing must limit the number and scope of issues); 30 TAC §55.211(b)(3)(A) (stating that the factual issues to be referred to SOAH by the Commission must be "specific"). Broad-form issues such as whether a proposed facility will "adversely affect the health of a requestor" do not implicate a disputed question of fact, but instead involve ultimate issues and policy considerations which form the very foundation of the state's MSW statutes and the Commission's rules.

The stated legislative "policy and purpose" of the Texas Solid Waste Disposal Act (SWDA) is "to safeguard the health, welfare, and physical property of the people and the environment by controlling the management of solid waste ...". TEX. HEALTH & SAFETY CODE ANN. §361.002. In order to fulfill this policy and effect this purpose, the Texas Legislature has authorized the Commission to promulgate rules and standards pertaining to the management and control of solid waste and MSW facilities. *Id.* at §361.024. The Commission has, in turn, promulgated a comprehensive regulatory framework governing the collection, storage, transportation, processing and disposal of solid waste – see 30 TAC §330.1 et seq. – including (among other things) regulations pertaining to the classification of various wastes, waste streams and types of MSW facilities (e.g., *id.* at §§330.3 & 330.5); facility permit requirements (*id.* at §330.7); general prohibitions pertaining to solid waste management (*id.* at §330.15); content requirements for permit applications for new facilities or expansions to existing facilities (*id.* at §330.57); site selection, land use compatibility criteria and location

restrictions (id. at §§330.61 & 330.541-330.563); site development and facility design criteria (e.g., id. at §§330.63 & 330.301-330.421); operational standards for facilities (id. at §§330.121-330.179); closure and post-closure (id. at §§330.451-330.509); and publication of technical guidelines by the Executive Director "outlining recommended methods designed to aid in compliance" with the MSW regulations (id. at §330.6). The Commission's regulations also include provisions for review of permit applications for administrative completeness (i.e., whether the application contains all of the information required by the State from applicants) and for technical review of the application by the agency's professional staff (i.e., whether the application complies with the technical criteria that have been established by the State). See, e.g., 30 TAC §§281.3, 281.17 & 281.19.

The very premise of the State's MSW framework, then, is that an MSW applicant who prepares, submits and then adequately demonstrates that its application meets or exceeds the agency's location restrictions, design criteria and operational standards has proposed a facility that, by definition and consistent with the policy and purpose of the SWDA, "safeguard[s] the health, welfare, and physical property of the people and the environment." TEX. HEALTH & SAFETY CODE ANN. §361.002. At the conclusion of a contested case hearing, findings that an applicant has carried its burden of proof as to specifically referred issues showing satisfaction of location restrictions, design criteria and operational standards should lead to the ultimate finding that issuance of the permit would "safeguard the health, welfare and physical property of the people and the environment." While it is appropriate to reach such an ultimate finding, it should be made clear that such a finding is derivative of the findings on specifically referred issues, and not the subject of an independent inquiry in its own right.

Waste Reduction, Reuse, and Recycling

Comment 35

This issue fails to raise a disputed question of fact that is relevant and material. The TCEQ MSW rules do not require an applicant for a landfill permit to force generators to recycle, nor do they require a landfill to conduct recycling. For both of these reasons, the issue should not be referred to SOAH.

Mineral Rights

Comment 38

This issue is not appropriate for referral to SOAH, since it is not relevant and material. Mineral owners have the same right to contest the issuance of the permit as does any neighbor who believes his or her rights may be affected by the permit. The TCEQ rules do not grant any special protection for mineral rights holders above the rights of others. MLS noted that the mineral interest holders have withdrawn their hearing request. See Exhibit 5.

Property Value

Comment 39

Property values are not relevant and material to the decision on this application. As noted in the Executive Director's Response to Comments and in the Executive Director's response to comments in previous MSW proceedings, the Commission has repeatedly acknowledged that it has no jurisdiction to consider property values when reviewing MSW permit applications. *See, e.g., Executive Director's Response to Public Comments Concerning Application by Panama Road Landfill, TX, LP, MSW Permit No. 2296, p. 8 (Nov. 1, 2002); Executive Director's Response to Public Comments Concerning Application by City of Shamrock MSW Permit No. 2281, Docket No. 2001-0702-MSW pp. 13-14 (May 11, 2001); Executive Director's Response to Hearing Requests, Hereford MSW Permit No. MSW 2289, Docket No. 2002-0653-MSW p. 12*

(June 3, 2002). The Commission has supported this position by not referring property value issues when they have been requested.

Competency
Comment 41

This issue should not be referred, because the requestor failed to raise any disputed question of fact that is relevant and material to the application. MLS has provided all of the information that the TCEQ requires in the application, and the requestor has not alleged that any of that information is incorrect. Therefore, this issue should not be referred to SOAH.

Other Business and Research Concerns
Comment 43

None of the issues raised by these comments are relevant to the application. The issues requested involve unfounded concerns about MLS, its engineers, and even unrelated companies (Waste Management). None of these concerns were directed to the application at issue, and are not relevant and material. As such, they are not appropriate for referral to SOAH.

Rubber Stamping
Comment 44

These issues involve allegations that the TCEQ Commissioners “rubber stamp” applications. Although the Applicant clearly disputes this factual allegation, the issue is clearly not relevant to the application, and is not appropriate for referral to SOAH.

Affected Party Status
Comment 45

This issue is directed at the rules related to determining affected party status, and is not relevant to this application and should therefore not be referred. Further, it was raised only by Jennifer Real in a comment. MLS has not been able to locate a hearing request from Ms. Real,

and Ms. Real is not listed as a hearing requestor in the TCEQ's list of hearing requestors. Therefore, since the issue was not raised in a valid hearing request, it should not be referred.

VI. DURATION OF HEARING (§55.209(E)(7))

Responses to hearing requests must address the maximum expected duration of the hearing from the first day of the preliminary hearing to the issuance of the proposal for decision. MLS suggests that, given the number of parties and number and complexity of issues, eleven (11) months is an appropriate duration.

VII. REQUESTS FOR RECONSIDERATION

In addition to requests for hearings, requests for reconsideration were received from various interested parties. MLS respectfully requests denial of these requests for reconsideration in light of the Commission's referral for a contested case hearing.

VIII. PRAYER

MLS does not object to a finding that the following persons are affected persons. However, as to all parties other than CAML, each individual seeking individual party status should be required to present evidence at the preliminary jurisdictional hearing to demonstrate that their property is actually within 1 mile of the proposed facility boundary and to demonstrate how and why their health and safety or use of property are likely to be adversely affected by the proposed landfill. Further, each individual should be aligned with CAML.

AFFECTED PERSONS/PARTIES
Citizens Against Montgomery County Landfill (CAML)
Stephen Barfield
Johnny and Karen Beall
Floyd C. Collins
Tina Collins
Stephen Gothard
Mark Grimes
Kenny Hamby
Daniel and Jerry Heil
Mark Metheny
Albert and Sheila Nelson
David W. Sargent, Jr.
Stephanie Simmons
George and Ricky Standley
Nonnie and Ronald Moffett
Carla Robles
Lawrence A. and Carolyn Sue Rains
Travis Selph
David and Linda Stegenga
James Walkinshaw

MLS respectfully requests that the Commission find that all other requestors are not affected persons for the reasons discussed herein. MLS submits that the issues identified in Table 6 below, and only those issues, be referred to SOAH for consideration in the contested case hearing. All such issues that are referred should be stated in terms that are limited in scope and otherwise conform to the requirements set out in the MSW regulations so that the parties, SOAH and, ultimately, the Commissioners can properly focus on the regulatory standards that must be met. The most effective way to ensure that the application is considered against the specific design criteria and operational standards of the rules is to frame the issues in terms of the specific language of the rules.

Table 6 – Issues for Referral

No.	REFERRAL ISSUES
1	Whether the applicant demonstrates compliance with the regional solid waste plan in accordance with §330.51(b)(1).
2	Whether the applicant verified its legal status and listed all persons having over a 20% ownership in the proposed facility, in accordance with §330.52(b)(8).
3	Whether the facility is compatible with surrounding land uses in accordance with §330.53(b)(8).
4	Whether the application provides adequate information related to transportation in accordance with § 330.53(b)(9).
5	Whether the application includes adequate provisions for fire protection, in accordance with §330.115.
6	Whether the application includes adequate provisions to prevent unauthorized wastes from being disposed of at the landfill, in accordance with §330.114(5).
7	Whether the application includes adequate provisions to control spilled and windblown waste and cleanup spilled waste, in accordance with §§ 330.120, 330.123, and 330.127.
8	Whether the application proposes sufficient provisions to avoid causing a nuisance, in accordance with §330.5(a)(2).
9	Whether the application includes adequate provisions to control odors, in accordance with §§ 330.125(b) and 330.133(a).
10	Whether the application includes adequate provisions to control vectors, in accordance with §§ 330.126 and 330.133(a).
11	Whether the provisions proposed for buffer zones comply with §330.121(b).
12	Whether visual screening is adequate, in accordance with §330.138.
13	Whether the facility has shown that it is protected from the 100-year flood in accordance with §§330.55(b)(7), 330.56(c), 330.56(f)(4)(B), 330.56(g), and 330.301.
14	Whether the application demonstrates that natural drainage patterns will not be significantly altered, in accordance with §330.56(f)(2) and 330.56(f)(4)(A).
15	Whether the application demonstrates that the liner is adequate and that groundwater will be protected, in accordance with §§330.56(d), 330.56(e), 330.56(f), 330.56(k), 330.56(o), 330.200-205, & 330.231-235.
16	Whether surface water will be protected, in accordance with §§330.139 & 330.56(f)(4)(A)(vii).
17	Whether the application shows the location of all known water wells, springs, and surface water bodies, as required by §§330.52(b)(4)(A)(ii), 330.53(b)(8)(E), 330.56(d)(4)(J), and 305.45(a)(6)(A).
18	Whether the application includes adequate provisions to protect endangered or threatened species, in compliance with agency rules, including 30 TAC §§ 330.53(b)(13) and 330.129.
19	Whether the application addresses wetlands, in accordance with §§330.51(b)(7), 330.53(b)(12)(B), 330.56(d)(3)(C), and 330.302.
20	Whether the application includes adequate provisions to manage landfill gas, in accordance with §§ 330.56(n) and 330.130.
21	Whether the application includes adequate provisions for closure, in accordance with §§ 330.56(l), 330.52(b)(11), 330.253(d)(6).

MLS requests that a duration of eleven months be allowed for the hearing.

MLS requests that the Commission deny all requests for reconsideration.

If any of the hearing requestors write to the Commission and inform the agency that they are not going to pursue their hearing request prior to the time at which the Commission meets to refer the issues, MLS requests that any issues raised solely by those hearing requestors not be referred to SOAH.

MLS prays for any and all other relief to which it is entitled.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Applicant's Response to Requests for Hearing was served on the following parties of record or their counsel, to the hearing requestors at their addresses listed on the attached mailing list, and to the individuals on the attached supplemental mailing list by regular U.S. mail and/or hand delivery on June 15, 2009:

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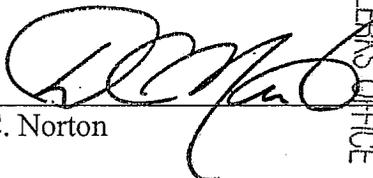
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22818 BROOK FOREST RD
NEW CANEY TX 77357-4916

SAMANTHA BAUMGARTEN
2249 STABLERIDGE DR
CONROE TX 77384-3362

CLAYTON BAGWELL
14129 MCCOMB RD
CONROE TX 77302-4577

CINDY JENKINS BAYER
414 VIRGIE COMMUNITY RD
MAGNOLIA TX 77354-3973

EBBIE BAILEY
20099 SECURITY WAY
CLEVELAND TX 77328-6432

JOHNNY BEALL
3142 PINE RD
CLEVELAND TX 77328-9528

AVERY BALLARD
PO BOX 497
MONTGOMERY TX 77356-0497

KAREN BEALL
3142 PINE RD
CLEVELAND TX 77328-9528

JUDY BANKS
12016 METTS RD
CONROE TX 77306-7520

DUSTIN BECKHAM
9089 SUNSET LN
MONTGOMERY TX 77316-2065

ELIZABETH BARBOSA
18820 FM 1484 RD
CONROE TX 77303-4769

DEBORAH BELL
3393 N DUCK CREEK RD
CLEVELAND TX 77328-5831

DENISE BELL
5010 WIMBERLY LN
BAYTOWN TX 77523-5676

MIKE BIENIEK
16874 OLD HIGHWAY 105 E
CONROE TX 77306-6279

DOROTHY BELL
3393 N DUCK CREEK RD
CLEVELAND TX 77328-5831

STEPHANIE BIGS
170 SPRING PINES DR
SPRING TX 77386-1128

JASON BELLINI
6683 PINE SHADOWS RD
CLEVELAND TX 77328-5709

JAMES R BINGHAM
5620 SAPP RD
CONROE TX 77304-4156

KIM BELLINI
6683 PINE SHADOWS RD
CLEVELAND TX 77328-5709

KENNITH BISHOFF
20266 S GERONIMO TRL
CLEVELAND TX 77328-2801

MRS R A BENEDICT
15775 STOLTJE DR
CONROE TX 77306-6985

LEA ANN BISHOFF
20266 S GERONIMO TRL
CLEVELAND TX 77328-2801

RALPH E BENEDICT, II
15775 STOLTJE DR
CONROE TX 77306-6985

BETTY BLACKMAN
2061 N WALKER RD
CLEVELAND TX 77328-2341

ALICIA BENTLEY
11964 CRYSTAL CRK
CONROE TX 77303-5213

TERRY BLACKMAN
18190 DODD RD
CLEVELAND TX 77328-2326

CORALLYN BERGER
11164 NEWTON CIR
CONROE TX 77303-3244

VIOLET BLACKMAN
18190 DODD RD
CLEVELAND TX 77328-2326

ERIC BETTIS
12826 HIGHWAY 105 E
CONROE TX 77306-5310

W L BLACKMAN
2061 N WALKER RD
CLEVELAND TX 77328-2341

ROSALIE BIANO
22034 MORGAN CEMETERY RD
CLEVELAND TX 77328-6760

ANN BLACKMER
8073 PINE SHADOWS RD
CLEVELAND TX 77328-5794

LETTY BIENIEK
16874 OLD HIGHWAY 105 E
CONROE TX 77306-6279

ROBERT S BLACKMER
8073 PINE SHADOWS RD
CLEVELAND TX 77328-5794

NICOLE BLAKE
9026 S WILLIAMS RD
CONROE TX 77303-4242

KATHIE BOSWELL
12023 WILLIS WAUKEGAN RD
CONROE TX 77303-4403

AMY BLANTON
14423 BROOKS RD
CONROE TX 77302-4412

VIRGINIA BOSWELL
27923 FM 2978 RD
MAGNOLIA TX 77354-6510

CARRIE BLANTON
14423 BROOKS RD
CONROE TX 77302-4412

C B BOUDREAUX
13381 WALKER RD
CONROE TX 77302-6553

TAINA BLANTON
14423 BROOKS RD
CONROE TX 77302-4412

JOE BOWMAN
22488 ALLYSON RD
MAGNOLIA TX 77354-8840

WAYNE BOCHIRN
11282 NEWTON CIR STE B
CONROE TX 77303-3275

DAVID & SHARI BRACEWELL
19127 STILLWOOD RD
CLEVELAND TX 77328-2523

MAGNOLIA C & WAYNE BOEHM
11282 NEWTON CIR STE B
CONROE TX 77303-3275

KAREN BRADBERRY
3516 WOODPECKERS GRV
CLEVELAND TX 77328-2671

MAGNOLIA C BOEHM
11282 NEWTON CIR STE B
CONROE TX 77303-3275

KAREN & TIM BRADBERRY
3516 WOODPECKERS GRV
CLEVELAND TX 77328-2671

FRAN BOGERT
218 BYBEE DR
CONROE TX 77301-2105

BARRY BRANNON
308 KINSMAN RD
CLEVELAND TX 77328-2507

WILLIAM E BOLES
844 KINSMAN RD
CLEVELAND TX 77328-2511

DEBORAH BRANNON
308 KINSMAN RD
CLEVELAND TX 77328-2507

AL BOLT
17432 CALMWATER DR
MONTGOMERY TX 77356-4766

SHERRY BRANNON
308 KINSMAN RD
CLEVELAND TX 77328-2507

BONITA L BOOTH
26325 NORTHGATE CROSSING BLVD #414
SPRING TX 77373-5625

BONNIE BRASWELL
3593 BRAZEWELL RD
CLEVELAND TX 77328-9511

RACHEL BRATCHER
7279 CROCKETT MARTIN RD
CONROE TX 77306-6023

JACK BROWN
11460 RUNNELS RD
CONROE TX 77303-3348

COURTENEY BRENNAN
9595 ADCOCK ACRES DR
CONROE TX 77303-4069

LEE BROWN
23593 OLD HIGHWAY 105
CLEVELAND TX 77328-5328

STEPHANIE A BRENNAN
3515 KENNONVIEW DR
HOUSTON TX 77068-1316

JON BUCKHOLTZ
9500 W NORTHRIDGE DR
CONROE TX 77303-2442

TOM BRENNAN
844 KINSMAN RD
CLEVELAND TX 77328-2511

KEN & VIRGINIA BURLING
15451 BEN WIGGINS RD
CONROE TX 77303-4807

DEBORAH BRIGGS
610 N 1ST ST STE 5
HAMILTON MT 59840-2149

CHARLES E BUZBEE
6687 PINE SHADOWS RD
CLEVELAND TX 77328-5709

TILA BROOKS
348 COUNTY ROAD 3810
CLEVELAND TX 77328-6366

MARIE BUZBEE
6687 PINE SHADOWS RD
CLEVELAND TX 77328-5709

PAT BROOKSHIRE
746 S WALKER RD
CLEVELAND TX 77328-6318

TRACEY CADENGO
14225 LEAFY LN
CONROE TX 77306-8105

DENNIS BROWN
3952 N OAK FOREST DR
CONROE TX 77303-4841

MARK CADWALLADER
598 ROLLINGHILLS RD
CONROE TX 77303-4692

DOROTHY M BROWN
1003 WINDSWEPT DR
CONROE TX 77301-1145

ROBERT E CALDWELL
19941 COUNTY ROAD 373
MARQUEZ TX 77865-5189

ERNEST & MARIE BROWN
15849 FM 1484 RD
CONROE TX 77303-4127

LENNICE CARGILL
KEYSTONE NATURAL RESOURCES
15090 FM 1314 RD
CONROE TX 77302-4806

FRIEDA BROWN
11460 RUNNELS RD
CONROE TX 77303-3348

DAVID CARR
11792 HOLLY DR
CONROE TX 77303-3036

MARY W CARTER
BLACKBURN CARTER PC
4709 AUSTIN ST
HOUSTON TX 77004-5004

DENNIS R CARTWRIGHT
1710 CRYSEL RD
CLEVELAND TX 77328-3004

ROSEMARY CARTWRIGHT
1710 CRYSEL RD
CLEVELAND TX 77328-3004

HAYLEY CASEY
11239 CLINT PARKER RD
CONROE TX 77303-3103

R CASH
12732 PECAN TREE CT
WILLIS TX 77318-4226

CAROL & LOUIS CASTANON
13960 EDEN LN
WILLIS TX 77378-5852

JENISE & PHILLIP CEMINO
6442 PINE SHADOWS RD
CLEVELAND TX 77328-5703

JENISE & PHILLIP CEMINO
8450 ADCOCK ACRES DR
CONROE TX 77303-4066

BRIAN CHALOUPKA
29610 BROWNSVILLE ST
MAGNOLIA TX 77354-6494

DARRELL CHALOUPKA
12243 TAURUS DR
WILLIS TX 77318-5196

LAURA CHAMPAGNE
4290 N DUCK CREEK RD
CLEVELAND TX 77328

VALLYE W CHANDLER
4607 WOODPECKERS GRV
CLEVELAND TX 77328-2734

JO CHAPMAN
602 SYCAMORE DR
CONROE TX 77302-1185

ANN M CHEATHAM
3906 BRAZEWELL RD
CLEVELAND TX 77328-8525

RICKIE CHILDERS
15941 MILLER RD
CONROE TX 77303-4939

GARY CHUNN
15751 MILLER RD
CONROE TX 77303-4935

PENNY CHUNN
15751 MILLER RD
CONROE TX 77303-4935

JOHN CISNEROS
212 LAKESHORE DR
CONROE TX 77304-2503

JAMES E CLANTON
10605 GREENRIDGE RD
CONROE TX 77303-4211

PAT & PAUL CLARK
10425 GREENRIDGE RD
CONROE TX 77303-4207

PATRICIA & PAUL CLARK
10425 GREENRIDGE RD
CONROE TX 77303-4207

STEPHEN CLARK
9167 FOSTORIA RD
CLEVELAND TX 77328-6961

BILL COBLER
283 EASTWOOD DR
CONROE TX 77301-3203

BILLY & MYLA COBLER
283 EASTWOOD DR
CONROE TX 77301-3203

CHRISTY COBURN
20833 OLD HIGHWAY 105
CLEVELAND TX 77328-6532

WILLIAM COBURN
20849 OLD HIGHWAY 105
CLEVELAND TX 77328-6532

DOUGLAS COCKERHAM
6200 FOREST DR
CLEVELAND TX 77328-2615

BECKY COLEBANK
11 S TALLOWBERRY DR
THE WOODLANDS TX 77381-2881

BILLY COLLIER
16432 DANIKA OAK DR
CONROE TX 77306-6336

FLOYD C COLLINS
2925 N WALKER RD
CLEVELAND TX 77328-2345

FLOYD & LINDA COLLINS
2925 N WALKER RD
CLEVELAND TX 77328-2345

FLOYD COLLINS
2558 N WALKER RD
CLEVELAND TX 77328-2348

LARRY WAYNE COLLINS
20724 RED OAK DR
CLEVELAND TX 77328-2934

LINDA K COLLINS
2925 N WALKER RD
CLEVELAND TX 77328-2345

TINA COLLINS
2913 N WALKER RD
CLEVELAND TX 77328-2345

AMY C COLVIN
14309 S PACIFIC ST
HOUSTON TX 77049-1729

LEE COMPTON
713 HILDRED AVE
CONROE TX 77303-1717

CARL COMSTOCK
90 FOX FIRE LN
WILLIS TX 77378-2652

CONCERNED CITIZEN
PO BOX 874
NEW CANEY TX 77357-0874

CONCERNED CITIZEN
9261 FATHOM DR
MONTGOMERY TX 77356-4765

CONCERNED CITIZEN
20147 HILLTOP RANCH DR
MONTGOMERY TX 77316-3180

CONCERNED CITIZEN
350 ATASCOCITA RD
HUMBLE TX 77396-3605

CONCERNED CITIZEN
1706 REBECCA LN
CONROE TX 77301-4024

CONCERNED CITIZEN
16075 SOUTHERN PINES DR
CONROE TX 77302-5429

CONCERNED CITIZEN
13212 ROY HARRIS LOOP
CONROE TX 77306-6616

CONCERNED CITIZEN
11885 ANDERSON RD
WILLIS TX 77318-5509

CONCERNED CITIZEN
10594 FM 2432 RD
CONROE TX 77303-2498

CONCERNED CITIZEN
15745 LAKEWAY DR
WILLIS TX 77318-3181

CONCERNED CITIZEN
16370 TREE MONKEY RD
CONROE TX 77303-4953

CONCERNED CITIZEN
28212 W FM 1097 RD
MONTGOMERY TX 77356-6319

CONCERNED CITIZEN
23901 CICADA CIR W
NEW CANEY TX 77357-8526

THOMAS L COOK
815 WHIPPORWILL RD
CONROE TX 77303-5288

CONCERNED CITIZEN
14180 MILLMAC RD
CONROE TX 77303-4586

SCOTT COSHREY
325 BOIS D ARC DR
CONROE TX 77301-4575

CONCERNED CITIZEN
9193 WHITE OAK DR
CONROE TX 77384-4627

TERESA COSHREY
325 BOIS D ARC DR
CONROE TX 77301-4575

CONCERNED CITIZEN
431 SHARON LN
WILLIS TX 77378-2815

JAMES W COUCH
1101 WILSON RD APT 915
CONROE TX 77301-1601

CONCERNED CITIZEN
19204 CEARLEY ST
CLEVELAND TX 77328-2700

DOUG & TAMARA COUEY
7950 FOREST HILLS DR
MONTGOMERY TX 77316-9288

CONCERNED CITIZEN
14852 COUNTRY WEST DR
CONROE TX 77302-6952

JASON COWART
2337 OLD HIGHWAY 105 W
CONROE TX 77304-4447

CONCERNED CITIZEN
10310 TIMBER SWITCH RD
CLEVELAND TX 77328-6243

JAMES M CRANDLE
4681 GREENWOOD DR
CLEVELAND TX 77328-9413

CONCERNED CITIZEN
196 MUSCOVY TRL
LIVINGSTON TX 77351-5168

WILLIAM WINRIGHT CRIBBS
18451 SOLOMON ST
CLEVELAND TX 77328-6339

PAT CROWLEY
1207 FM 1485 RD
CONROE TX 77301-6827

DIANA CROWSON
16478 FM 2090 RD
CONROE TX 77306-7909

WILLIAM CROWSON
16478 FM 2090 RD
CONROE TX 77306-7909

BILL CRUZ
1402 WOOD HAVEN DR
MONTGOMERY TX 77316-6175

DELNA CRUZ
3828 W DAVIS ST STE 308
CONROE TX 77304-1815

JESUS CRUZ
27115 PURE KNOLL
CLEVELAND TX 77328

LEON W CUBILLAS
9754 DAW COLLINS RD
CLEVELAND TX 77328-6740

JULIE CULVER
15505 TREE MONKEY RD
CONROE TX 77303-4861

ELVIS & PAT D AGRELLA
5181 TIMOTHY LN
CONROE TX 77303-4949

BRUCE DAILEY
15125 STARBOARD DR
WILLIS TX 77318-3275

MARY ANN DANIELS
8288 DAW COLLINS RD
CLEVELAND TX 77328-6728

KARLA & ROBERT DARDEN
22328 FM 149 RD
MONTGOMERY TX 77356-3653

AYHA DARVEY
10179 CHAMPION FOREST RD
CONROE TX 77303-3703

DAVID LYNN DAUZART
6522 GREENWOOD DR
CLEVELAND TX 77328-9406

TERRY DAUZART
6522 GREENWOOD DR
CLEVELAND TX 77328-9406

JOSHUA DAVIS
16373 CROCKETT XING
CONROE TX 77303-4998

PEGGY SUE DAVIS
24484 MORGAN CEMETERY RD
CLEVELAND TX 77328-6865

JIM DAWSON
1902 DERK SMALL RD
CLEVELAND TX 77328-6625

TROY A DEATON
1600 RIVER POINTE DR APT 482
CONROE TX 77304-2690

JUDY DEHART
6880 WHITE ROCK RD
CLEVELAND TX 77328-6265

ARGELIO & ESMERALDA DELEON
3999 WOODPECKERS GRV
CLEVELAND TX 77328-2678

CRUZ DELEON
658 CROCKETT MARTIN RD
CONROE TX 77306-6098

J R DELEON
11347 WHITE RD
CONROE TX 77303-3437

LEAMON V DOWDEN
8010 ADCOCK ACRES DR
CONROE TX 77303-4016

MARDE DELEON
11347 WHITE RD
CONROE TX 77303-3437

JAMES DOYAL
811 N MAIN ST
CONROE TX 77301-2532

SUNNIE DELEON
3261 JESTER DR
HUNTSVILLE TX 77340-2285

LEROY DUDLEY
16126 TREE MONKEY RD
CONROE TX 77303-4951

MABRY DELLYER
35 BLUSH HILL DR
CONROE TX 77304-1109

GREGG DUNN
PO BOX 707
HARRISONBURG LA 71340-0707

DAVID J DESCHNER
4200 DESCHNER RD
CUT AND SHOOT TX 77303-4972

L E DUNN, III
10930 ROSE ROYAL DR
CONROE TX 77303-2704

DAVID & KAREN DESCHNER
PO BOX 7098
CONROE TX 77306-0098

MARY EDWARDS
7839 HIDDEN ACRES DR
CLEVELAND TX 77328-2632

GAIL & R DEWEY
10179 CHAMPION FOREST LOOP
CONROE TX 77303-3723

WENDY ELLIS
29007 PORTSOY DR
MAGNOLIA TX 77354-5546

MARK & MONICA DIRENNA
8531 N WALKER RD
CLEVELAND TX 77328-5738

ALBERTO ENRIQUEZ
17631 HIGHWAY 105 E
CONROE TX 77306-5911

MATT DODD
751 WHIPPORWILL RD
CONROE TX 77303-5287

ANNELIESE ENRIQUEZ
17631 HIGHWAY 105 E
CONROE TX 77306-5911

DEBORAH K DORAN
7735 N WALKER RD
CLEVELAND TX 77328-5750

KENNETH ESSMAX
22242 E HAMMOND DR
PORTER TX 77365-5528

DURWOOD DOSS, II.
706 LITTLE RIVER DR
MONTGOMERY TX 77316-6143

KAREN EUDY
15329 JODY LN
CONROE TX 77303-3921

PHIL EUDY
15329 JODY LN
CONROE TX 77303-3921

LISA FORD
10106 KIRKWREN DR
HOUSTON TX 77089-1032

SHAWNA EVERETT
15836 TREE MONKEY RD
CONROE TX 77303-4858

STEPHANIE FORD
175 AQUARIUS RD
CONROE TX 77306-7175

FRANK FANNING
4200 WEIR RD
CLEVELAND TX 77328-7250

VANDA FORD
16467 N EMERSON CIR
CONROE TX 77306-5948

BELINDA FAULKNER
14141 HIGHWAY 105 E
CONROE TX 77306-5355

MATTHEW FOSTER
15451 BEN WIGGINS RD
CONROE TX 77303-4807

TARA FAY
15457 BEN WIGGINS RD
CONROE TX 77303-4807

TANCI FOSTER
15455 BEN WIGGINS RD
CONROE TX 77303-4807

KENITA FENDLEY
5945 PINE SHADOWS RD
CLEVELAND TX 77328-5711

SKIPPER FOUNTAIN
2812 ACORN PL
CLEVELAND TX 77328

RICHARD W FENDLEY
5945 PINE SHADOWS RD
CLEVELAND TX 77328-5711

JAMES J FRANK
15216 DOGWOOD LN
CONROE TX 77303-3910

JANICE FERRER
9605 ADCOCK ACRES DR
CONROE TX 77303-4029

JULIA & SCOTT FRANKENFIELD
16265 RABON CHAPEL RD
MONTGOMERY TX 77316-2456

PAT FERRER
9605 ADCOCK ACRES DR
CONROE TX 77303-4029

REX FRY
24715 MARKS RD
SPLENDORA TX 77372-3414

RICK FINERY
393 LAKEVIEW CT
LOWELL IN 46356-1221

HOMER GALICIA
12423 W SUMMERLIN
CONROE TX 77302-3573

BOBBY & KAYLA RENEE FINLEY
17745 FM 1484 RD
CONROE TX 77303-4781

JO-ANNE GALULMAN
218 BYBEE DR
CONROE TX 77301-2105

BARBARA J GANDY
9131 ADCOCK ACRES DR
CONROE TX 77303-4027

ROBERT J GANDY
9131 ADCOCK ACRES DR
CONROE TX 77303-4027

TERRI GANDY
PO BOX 1031
CLEVELAND TX 77328-1031

ESTEBAN GARCIA
512 HALL ST
CONROE TX 77301-5072

STACEY GAREE
21704 VILLAGE CT
PORTER TX 77365-4641

GARY & JESS GARNER
3006 JO ANN DR
JOLIET IL 60431-1529

SIDNEY GAYLORD
14120 TOWER GLEN LN
CONROE TX 77306-8479

STEVEN GEISMAN
18720 OAKRIDGE DR
CLEVELAND TX 77328-2669

F P GEORGE
16513 LEAFY MEADOW DR
CONROE TX 77302-5452

RACHEL GIBLIN
142 ORION LN
CONROE TX 77306-5973

NORMA J GIBSON
5730 S DUCK CREEK RD
CLEVELAND TX 77328-6696

SHERRY GLAZE
21527 MADDUX DR
PORTER TX 77365-5948

MATT GLAZEWSKI
20119 FOX GROVE LN
HUMBLE TX 77338-1607

GLENELA GODEJOHN
10556 FOSTORIA RD
CLEVELAND TX 77328-6919

MAURICE GODEJOHN
10556 FOSTORIA RD
CLEVELAND TX 77328-6919

MAUREEN GOLDEN
505 SPRINGWOOD DR
CONROE TX 77385-9513

LEAH GONZALES
31111 N HEAD DR
SPRING TX 77386-2211

CARA JO GONZALEZ
11694 MAGNOLIA BEND DR
CONROE TX 77302-4362

KELLY GORRELL
12390 CRICKET LN
CONROE TX 77303-5015

STEVEN GOTHARD
3375 N WALKER RD
CLEVELAND TX 77328-9557

JACK GRANT
28726 SEDGEFIELD ST
SPRING TX 77386-5465

BETTY S & WILLIAM GRANTHAM
8523 PINE SHADOWS RD
CLEVELAND TX 77328-5716

JUDITH GRAY
310 S 1ST ST
CONROE TX 77301-3679

SANDY HAMILTON
3314 N WALKER RD
CLEVELAND TX 77328-9556

BETTY & FRED GREGG
4530 WEIR RD
CLEVELAND TX 77328-6229

STEVE HAMILTON
3314 N WALKER RD
CLEVELAND TX 77328-9556

MARK GRIMES
5458 GREENWOOD DR
CLEVELAND TX 77328-9404

BEVERLY HAMMETT
19575 CEARLEY ST
CLEVELAND TX 77328-2731

RANDALL GROSS
8498 PINE SHADOWS RD
CLEVELAND TX 77328-5718

JERRY HAMMETT
19575 CEARLEY ST
CLEVELAND TX 77328-2731

MARTHA GUILBEAUX
7985 ADCOCK ACRES DR
CONROE TX 77303-4015

LINDA HAMPTON
PO BOX 937
CLEVELAND TX 77328-0937

RONNIE GUILBEAUX
7985 ADCOCK ACRES DR
CONROE TX 77303-4015

DEBBIE HANCOCK
10330 VALLEY DR S
WILLIS TX 77318-6443

BRITTANY GULLETTE
1607 SHADY OAKS DR
CONROE TX 77301-1947

BRUCE G & SUZANNE HANSEN
62 SHADOW LN
WHISPERING PINES NC 28327-9359

MELINDA HALL
20122 MEADOW LAKE RD
CLEVELAND TX 77328-2656

SHEILA HARDRICK
5022 ALGERNON DR
SPRING TX 77373-6973

KENNY HAMBY
7791 HIDDEN ACRES DR
CLEVELAND TX 77328-2631

MARK C HARRELL
10751 DARBY LOOP
CONROE TX 77385-7407

DUANE E HAMILTON
18789 OAKRIDGE DR
CLEVELAND TX 77328-2668

FRANK HARRIS, JR
2214 VALLEY VIEW XING
CONROE TX 77304-1635

SANDY & STEVE HAMILTON
3314 N WALKER RD
CLEVELAND TX 77328-9556

HARRY HARRIS
1111 WAUKEGAN RD
CONROE TX 77306-5899

MAGGIE HARRIS
2214 VALLEY VIEW XING
CONROE TX 77304-1635

JOSEPH HEMBY
7627 GREENWOOD DR
CLEVELAND TX 77328-9423

PRESCILLA HARRIS
18219 YUKON RIDGE TRL
HUMBLE TX 77346-4091

CAROL HENNESSY
17640 HIGHWAY 105 E
CONROE TX 77306-5910

WYNNE HARRIS
PO BOX 905
CONROE TX 77305-0905

SONJA HENRY
17230 PEACH CREEK DR
CONROE TX 77303-3428

KATHLEEN HARRISON
20245 TEEPEE TRL
CLEVELAND TX 77328-2838

KATHY HERNANDEZ
17190 WHITE OAK ORCH
CONROE TX 77306-6078

TRACEY MARIE HARRISON
624 STONEWALL JACKSON DR
CONROE TX 77302-8400

LISA HESSLER
10632 CHAMPION VILLAGE DR
CONROE TX 77303-3746

MARY M JENNINGS HARTT
10180 CROCKETT MARTIN RD
CONROE TX 77306-7024

DEBORAH HEUERMANN
11610 BROWDER TRAYLOR RD
CONROE TX 77303-3304

RHONDA HARVEY
12060 TWIN PINES RD
CONROE TX 77303-5180

VIVIAN R HICKMAN
18057 DOGWOOD DR
CONROE TX 77303-3211

BRYAN HAYES
16470 PISCES RD
CONROE TX 77306-5981

DALLAS HIETT
20270 S GERONIMO TRL
CLEVELAND TX 77328-2801

LAURIE HEADINGS
4681 GREENWOOD DR
CLEVELAND TX 77328-9413

DEWANA HIGGINS
17941 FM 1484 RD
CONROE TX 77303-4739

DANIEL HEIL
18953 OAKRIDGE DR
CLEVELAND TX 77328-9440

JAMIE HIGGINS
17941 FM 1484 RD
CONROE TX 77303-4739

JERRI HEIL
18953 OAKRIDGE DR
CLEVELAND TX 77328-9440

TANYA HILL
1116 GREENBELT DR
CLEVELAND TX 77328-3060

BEVERLEY HINDS
10735 MAGNOLIA DR
CONROE TX 77303-3223

TERESA HYMIL
297 MABLE ST
CONROE TX 77301-3207

CLORINDA & MR JAMES E HOGAN
15498 BEN WIGGINS RD
CONROE TX 77303-4806

RUSTY IRELAND
545 FM 1488 RD APT 2305
CONROE TX 77384-3964

DWAYNE & PAMELA HOOD
10933 NEWTON CIR
CONROE TX 77303-3241

THORNTON E IRELAND, JR
545 FM 1488 RD APT 2305
CONROE TX 77384-3964

JUDITH HORNE
1150 LEE TURNER RD
CLEVELAND TX 77328-5968

BOBBIE IRWIN
18670 PARKER RD
CLEVELAND TX 77328-9518

CHANHE HORTON
550 S PINE LAKE RD
MONTGOMERY TX 77316-3001

EDGAR EUGENE JACKSON
3757 WALKER RD
CONROE TX 77303-4915

CLAUDIA HUBBARD
15412 JODY LN
CONROE TX 77303-3922

EUGENE & TINA JACKSON
3757 WALKER RD
CONROE TX 77303-4915

BARBARA HUDDLESTON
14249 CEDAR LANE LOOP
WILLIS TX 77378-4129

TOMMY JENSEN
8122 N WALKER RD
CLEVELAND TX 77328-5727

J O HUDSON
17958 FM 2090 RD
CONROE TX 77306-7931

CHRISPEN L JOHNSON
15337 HOLLY LN
CONROE TX 77303-3915

ROXANNA HUDSON
17958 FM 2090 RD
CONROE TX 77306-7931

GEORGE JOHNSON
19890 FM 1314 RD
PORTER TX 77365-3400

JEFF & STACIE HUNTER
3306 SHADOWCREST CT
MONTGOMERY TX 77356-5497

JOLENE JOHNSON
15284 WHITE OAK LN
CONROE TX 77303-3962

TIMOTHY HUSTON
6744 HIDDEN ACRES DR
CLEVELAND TX 77328-2619

STANLEY JOHNSON
539 KINSMAN RD
CLEVELAND TX 77328-2514

DORENE JONES
1181 N WALKER RD
CLEVELAND TX 77328-2339

MORGAN KELLEY
211 PRINCE OF WALES ST
CONROE TX 77304-2717

LAURA JONES
792 N WALKER RD
CLEVELAND TX 77328-2318

PATTY-KELTCH
7409 ADCOCK ACRES DR
CONROE TX 77303-4005

ROSS I JONES
1758 PRICE DR
CLEVELAND TX 77328-3050

DEVAN KENDRICK
15511 TREE MONKEY RD
CONROE TX 77303-4861

SETH JONES
3680 WOODPECKERS GRV
CLEVELAND TX 77328-2672

SHARON KENDRICK
15511 TREE MONKEY RD
CONROE TX 77303-4861

LORENA JUNGST
9595 ADCOCK ACRES DR
CONROE TX 77303-4069

VINCENT SCOTT KENDRICK
15511 TREE MONKEY RD
CONROE TX 77303-4861

DEVIN KAATZ
5302 11TH ST APT 106
LUBBOCK TX 79416-4447

LARRY KENNEDY
1625 ACORN PL
CLEVELAND TX 77328-2305

MINNIE & NORMANE KAATZ
12732 COON MASSEY RD
CONROE TX 77306-7700

JOHN KENNEY
11791 PADDOCKS RD
CONROE TX 77306-7559

ERNEST KANAK, JR
PO BOX 1946
CONROE TX 77305-1946

KARA KERN
2325 COBBLECREEK DR
CONROE TX 77384-3703

MARTY KAY
14853 BOYD LN
CONROE TX 77306-5719

MARILYN KINNEY
15348 JODY LN
CONROE TX 77303-3920

RENE SOMMER KAY
14853 BOYD LN
CONROE TX 77306-5719

ED KIRKLAND
16605 HIGHLINE BLVD
CONROE TX 77306-6044

DALVA KEENER
13877 E FM 1097 RD
WILLIS TX 77378-4347

MARY LOU KIRVES
12056 FM 830 RD
WILLIS TX 77318-5544

HENRY KNIGHT
20198 SHERWOOD DR
CLEVELAND TX 77328-2825

JAMES LAMENDOLA
7041 PINE SHADOWS RD
CLEVELAND TX 77328-5708

WAYNE KOCUREK
1588 N WALKER RD
CLEVELAND TX 77328-2334

HOWARD LAUNIUS
17428 FM 1484 RD
CONROE TX 77303-4728

SUSAN KOSKA
31611 TERRI LN
MAGNOLIA TX 77355-5822

EVERETTE LAWSON
PO BOX 398
ACE TX 77326-0398

RUBY KRAUTKREMER
9610 W SHORE DR
WILLIS TX 77318-6642

KEVIN & MELANIE LAWSON
13285 E FM 1097 RD
WILLIS TX 77378-4335

JOHN KUKE
21775 CAROL RD
NEW CANEY TX 77357-8105

LEE, LIBRADO & TINA LEAL
18788 OAKRIDGE DR
CLEVELAND TX 77328-2669

TRACEY KURTZ
94 S SHIRLEY LN
WILLIS TX 77378-8394

SHERRY LEBLANC
24621 COCHRAN DR
PORTER TX 77365-5513

ANGELA KYLE
4125 BRAZEWELL RD
CLEVELAND TX 77328-9513

JOE LEGGETT
17582 HIGHWAY 105 E
CONROE TX 77306-5908

SHARON LABIAN
4200 WEIR RD
CLEVELAND TX 77328-7250

SANDY LEHMAN
26967 E RIVER RD
SPLENDORA TX 77372-4268

FRANCINE LAFIELD
11441 METTS RD
CONROE TX 77306-7509

BRIGHT LEMASTER
9413 GREENWOOD DR
CLEVELAND TX 77328-9432

TAMRA LAMBON
13319 BLUFF VIEW DR
WILLIS TX 77318-5305

LELIA BRIGHT & MICHAEL J LEMASTER
9413 GREENWOOD DR
CLEVELAND TX 77328-9432

STANLEY LAMBERY
844 KINSMAN RD
CLEVELAND TX 77328-2511

MICHAEL J LEMASTER
9413 GREENWOOD DR
CLEVELAND TX 77328-9432

BRICE LEVERETT
12565 ROBIN LN
WILLIS TX 77378-4747

FLORALEE LOVELL
10578 FAWN MIST DR
CONROE TX 77303-4461

RAYMOND LEWIS
1002 APACHE DR
MONTGOMERY TX 77316-5191

JAMES LOVELL
10578 FAWN MIST DR
CONROE TX 77303-4461

MARK LICHMAN
2373 CROCKETT MARTIN RD
CONROE TX 77306-6278

CHRISTINE LUDWIG
18085 OLD HIGHWAY 105
CLEVELAND TX 77328-6295

EDWARD A LICHNEROWICZ
2020 WHITE BUCK CT
CLEVELAND TX 77327

DAVID H LUDWIG, JR
18083 OLD HIGHWAY 105
CLEVELAND TX 77328-6295

PHILLIP LINDSEY
1640 N WALKER RD
CLEVELAND TX 77328-2335

DAVID LUDWIG
18085 OLD HIGHWAY 105
CLEVELAND TX 77328-6295

PATTIE LITTLE
10377 S WILLIAMS RD
CONROE TX 77303-4255

CHARLES W LYLE
20000 MEADOW LAKE RD
CLEVELAND TX 77328-2696

JOHN LONG
9189 CRYSTAL SPRINGS DR
CONROE TX 77303-2325

BRANDI LYONS
7735 N WALKER RD
CLEVELAND TX 77328-5750

GEORGE R LONGMORE
118 HIWON DR
CONROE TX 77304-1132

SUSIE & TOMMY MACHEN
150 ATWATER CV
AUSTIN TX 78737-4581

DONALD LOOSIER
119 RED OAK LN
CONROE TX 77304-2522

WILLIAM MADDOX
25015 MEADOW LN
PORTER TX 77365-6231

NORMA KAY LORD
34 PALMER CREST CT
SPRING TX 77381-4209

NONNIE MAFFET
8876 N WALKER RD
CLEVELAND TX 77328-5736

DAVID LOUNDER
12714 ROY HARRIS LOOP
CONROE TX 77306-6606

RON MAFFET
8876 N WALKER RD
CLEVELAND TX 77328-5736

SUSANA MAGANA
17514 WHITE OAK ORCH
CONROE TX 77306-6171

JAMES A & LORI MATTOX
16570 FM 1484 RD
CONROE TX 77303-4166

RAILEEN MANGURN
16109 SUN VIEW LN
CONROE TX 77302-5556

BARBARA MAYEUX
2547 N WALKER RD
CLEVELAND TX 77328-2343

TERRY MANN
2995 MANN RD
CONROE TX 77303-4533

TRAVIS MAYEUX
2547 N WALKER RD
CLEVELAND TX 77328-2343

KENNETH MANZELLA
9701 FOSTORIA RD
CLEVELAND TX 77328-6963

JEFFERY MCCAFFREY
4231 WEIR RD
CLEVELAND TX 77328-7251

JOSE QUADALUPE MARQUEZ
15467 JODY LN
CONROE TX 77303-3923

MELISSA MCCAFFREY
4231 WEIR RD
CLEVELAND TX 77328-7251

ROBERT B MARTIN
20122 MEADOW LAKE RD
CLEVELAND TX 77328-2656

RONALD MCCAFFREY
4231 WEIR RD
CLEVELAND TX 77328-7251

JENNIFER MARTINEZ
211 INDIAN FLS N
MONTGOMERY TX 77316-2079

DON MCCASLIN
328 N WALKER RD
CLEVELAND TX 77328-2314

MARK MATHENY
8396 ADCOCK ACRES DR
CONROE TX 77303-4082

MAGGIE MCCASLIN
328 N WALKER RD
CLEVELAND TX 77328-2314

SUSAN MATHEWS
390 FM 3083 RD
CONROE TX 77301-6428

MEGHAN MCCASLIN
328 N WALKER RD
CLEVELAND TX 77328-2314

BOBBY LEE MATTHEWS, JR
2511 PARANA DR.
HOUSTON TX 77080-3821

TRICIA MCCASLIN
328 N WALKER RD
CLEVELAND TX 77328-2314

STEVEN MATTHEWS
15209 MCRAE LK
CONROE TX 77303-3955

BOB MCDANIEL
5410 DUNLEITH LN
SPRING TX 77379-7900

PEARL MCDONALD
20065 SHERWOOD DR
CLEVELAND TX 77328-2831

AMY MCMULLEN
15287 JODY LN
CONROE TX 77303-3919

TERRI MCDONALD
14860 ROSEBUD LN
CONROE TX 77303-3360

DENNIS MCNABB
3156 ROLLINGHILLS RD
CONROE TX 77303-4639

BETTY & LOUIS MCGUIRE
PO BOX 414
CONROE TX 77305-0414

DAVID C MCQUEEN
PO BOX 1695
NEW WAVERLY TX 77358-1695

APRIL MCHENRY
8511 PINE SHADOWS RD
CLEVELAND TX 77328-5716

AIDA MEDINILLA
11282 NEWTON CIR STE A
CONROE TX 77303-3275

JEFF L MCKINNEY
9510 S WILLIAMS RD
CONROE TX 77303-4270

ALBERT & LINDA MENARD
12008 CEDAR LN
CONROE TX 77303-3147

BARBARA MCLEANE
5076 GREENWOOD DR
CLEVELAND TX 77328-9403

JOSH MERIMON
108 PEGGY LN
WILLIS TX 77378-8646

ESMERALDA MCLEANE
5076 GREENWOOD DR
CLEVELAND TX 77328-9403

KENNETH R MEUTH
9211 GREENWOOD DR
CLEVELAND TX 77328-9430

MATT MCLEANE
5076 GREENWOOD DR
CLEVELAND TX 77328-9403

AMANDA MIDDEL-URBY
648 BELLINGRATH PARK
CONROE TX 77302-3018

NED MCLEANE
5076 GREENWOOD DR
CLEVELAND TX 77328-9403

J MILES
20419 SUNNY SHORES DR
HUMBLE TX 77346-1777

CARL MCLEOD
8042 GREENWOOD DR
CLEVELAND TX 77328-9437

MICHELLE MILLER
11370 RUNNELS RD
CONROE TX 77303-3346

STEPHANE MCMILLAN
26388 COLEMAN DR
SPLENDORA TX 77372-3326

ROBERT MILLER
20112 MEADOW LAKE RD
CLEVELAND TX 77328-2656

S MILLER
20419 SUNNY SHORES DR
HUMBLE TX 77346-1777

MICHAEL MORRIS
3931 PINE RD
CLEVELAND TX 77328-9533

TOMMY MILLER, JR
4195 WOODPECKERS GRV
CLEVELAND TX 77328-2684

VICKIE MORSE
17424 FM 1484 RD
CONROE TX 77303-4728

LORRIE MINIX
2314 MILLER RD
CLEVELAND TX 77328-3035

MILTON MUELLER
16499 N EMERSON CIR
CONROE TX 77306-5948

KELLIE MONTGOMERY
11358 GLEN FOREST DR
MONTGOMERY TX 77356-5507

ALISA MURPHY
3513 WOODPECKERS GRV
CLEVELAND TX 77328-2682

CINDY & TERRY MOON
20061 SHERWOOD DR
CLEVELAND TX 77328-2831

SUSAN MURRELL
27950 WALLER SP RD
WALLER TX 77484

TAMMY MOORE
8761 HIDDEN ACRES DR
CLEVELAND TX 77328-2636

DON & DORIS MYERS
17963 DOGWOOD DR
CONROE TX 77303-3209

ROBERT MORGAN
2325 COBBLECREEK DR
CONROE TX 77384-3703

DONALD G MYERS
17963 DOGWOOD DR
CONROE TX 77303-3209

CHRISTOPHER MORRILL
12735 ROYAL SHORES DR
CONROE TX 77303-2635

KEVIN MYERS
15072 EAST DR
CONROE TX 77302-6602

CRYSTAL MORRILL
12735 ROYAL SHORES DR
CONROE TX 77303-2635

RHONDA NASH
15969 TREE MONKEY RD
CONROE TX 77303-4865

BOBBY G MORRIS
3931 PINE RD
CLEVELAND TX 77328-9533

LUIS ANGEL NAVA
12321 ROYAL WEST DR
CONROE TX 77303-2679

ELLA MAY MORRIS
3931 PINE RD
CLEVELAND TX 77328-9533

DAVID NEAL
6185 FOREST DR
CLEVELAND TX 77328-5330

DEBORAH NEAL
6185 FOREST DR
CLEVELAND TX 77328-5330

GLYN OBRIANT
13808 LYRIC RD
CONROE TX 77302-5746

TIFFANY NEAL
18444 SOLOMON ST
CLEVELAND TX 77328-6338

GLENDA O'FARRELL
18039 OLD HIGHWAY 105
CLEVELAND TX 77328-6295

CASEY A NEELY
9595 ADCOCK ACRES DR
CONROE TX 77303-4069

MONICA OGILVIE
10131 WHITE ROCK RD
CONROE TX 77306-7671

ALBERT NELSON
2791 N WALKER RD
CLEVELAND TX 77328-2344

TARA OLEPHANT
17425 FM 1484 RD
CONROE TX 77303-4735

ALBERT & SHELIA NELSON
2791 N WALKER RD
CLEVELAND TX 77328-2344

DENNIS M OMALLEY
6511 PINE SHADOWS
CLEVELAND TX 77328

SHELIA NELSON
2791 N WALKER RD
CLEVELAND TX 77328-2344

MARIGRACE O'NEAL
1640 N WALKER RD
CLEVELAND TX 77328-2335

DEBORAH G & GEORGE D NOBLE
1777 ACORN PL
CLEVELAND TX 77328-2306

LEDA O'NEIL
19273 MEADOW LAKE RD
CLEVELAND TX 77328-2662

PAULA NOBLE
3409 DRUIDS CT
MONTGOMERY TX 77356-7993

MARIGRACE ONEIL
1640 N WALKER RD
CLEVELAND TX 77328-2335

DIANNE NUGENT
13784 CREIGHTON RD
CONROE TX 77302-3312

TRUDILEE O'NEIL
1588 N WALKER RD
CLEVELAND TX 77328-2334

MARY O MALLEY
8511 PINE SHADOWS RD
CLEVELAND TX 77328-5716

DEBBIE ORSACK
6197 FOREST DR
CLEVELAND TX 77328-5330

MATT O MALLEY
8511 PINE SHADOWS RD
CLEVELAND TX 77328-5716

MARVIN ORSACK
6197 FOREST DR
CLEVELAND TX 77328-5330

JUDITH OTOOLE
19524 MEADOW LAKE RD
CLEVELAND TX 77328-2653

GLADYS PEREZ
16520 CROCKETT FOREST DR
CONROE TX 77306-6004

LINDA OTT
16709 HIGHLINE BLVD
CONROE TX 77306-6045

BRIAN PETERMAN
2235 PARKDALE DR
HUMBLE TX 77339-2350

JOHN OVERALL
1216 N WALKER RD
CLEVELAND TX 77328-2333

WILLIAM PETTY, JR
20865 BARBARA LN
MONTGOMERY TX 77356-4360

SYLVIA PADILLA
18757 OAKRIDGE DR
CLEVELAND TX 77328-2668

LINDA & ROBERT PHILLIPS
9775 WHISPERING PINES CMTRY RD
CONROE TX 77303-3994

RM PALMER
4343 HILL FOREST DR
HUMBLE TX 77345-1416

BILLY PICKERING
15458 TREE MONKEY RD
CONROE TX 77303-4854

MELINDA & MICHAEL W PARKER
921 BROWN RD
WILLIS TX 77378-2624

DEBORRAH PICKERING
15458 TREE MONKEY RD
CONROE TX 77303-4854

BETTY PARMER
204 BEDFORD LN
CONROE TX 77303-1818

JANINE PIECIS
2224 HIGHPOINT MDW
CONROE TX 77304-1628

GEORGE PARMER
204 BEDFORD LN
CONROE TX 77303-1818

FAY & RICHARD PILKINGTON
10799 WHITE ROCK RD
CONROE TX 77306-7677

CAROL PARTEN
1102 LISA LN
HUMBLE TX 77339-3430

SUSAN PINE
15321 JODY LN
CONROE TX 77303-3921

AVENY & MARIANN PATTERSON
1709 CAROL LEE LN
CONROE TX 77301-4009

DARREL PINKSTON
640 COUNTY ROAD 421
SPICEWOOD TX 78669-4026

MELANIE PERDUE
580 BROWN RD
WILLIS TX 77378-2621

JACK POTTER
529 COUNTY ROAD 3317
CLEVELAND TX 77327-4285

JESSE PREWITT
11440 HILLGREEN DR
CONROE TX 77303-5110

TOMAS RAMIREZ
2433 CROCKETT MARTIN RD
CONROE TX 77306-6276

MICHELLE PULE
3706 AVENUE O
GALVESTON TX 77550-6624

JESSICA & LARRY RANCHER
14824 ROSEBUD LN
CONROE TX 77303-3360

WILLIAM C QUIMM
3032 MEADOR LN
CONROE TX 77303-2366

PATRICIA REAM
20000 MEADOW LAKE RD
CLEVELAND TX 77328-2696

KELLY RADMANOVICH
21323 BIG BUCK DR
CLEVELAND TX 77328

ROBERT REAM
20000 MEADOW LAKE RD
CLEVELAND TX 77328-2696

MILORAD RADMANOVICH
21323 BIG BUCK DR
CLEVELAND TX 77328

LISA REASOR
13060 SANDCHESTER TRL
CONROE TX 77306-5676

CAROLYN SUE & LAWRENCE A RAINS
5800 PINE SHADOWS RD
CLEVELAND TX 77328-5701

CHARLES REED
4231 WEIR RD
CLEVELAND TX 77328-7251

L A RAINS
5800 PINES MEADOWS
CLEVELAND TX 77328

KELLY REED
4231 WEIR RD
CLEVELAND TX 77328-7251

FRANSISCO RAMIREZ
17417 WHITE OAK ORCH
CONROE TX 77306-6175

DANIELLE & PAUL D REICH
19164 OAKRIDGE DR
CLEVELAND TX 77328-2692

GERALDO RAMIREZ
7433 CROCKETT MARTIN RD
CONROE TX 77306-6031

LOIS REISZNER
17978 VILLAGE WAY
CONROE TX 77302-6429

GREGORIA RAMIREZ
2433 CROCKETT MARTIN RD
CONROE TX 77306-6276

DAVID Y RENDON
19731 MEADOW LAKE RD
CLEVELAND TX 77328-2659

RAQUEL RAMIREZ
2433 CROCKETT MARTIN RD
CONROE TX 77306-6276

DAVID RENDON
19731 MEADOW LAKE RD
CLEVELAND TX 77328-2659

LINK RENEAU
1640 N WALKER RD
CLEVELAND TX 77328-2335

STEPHEN RONES
22634 COMMUNITY DR
NEW CANEY TX 77357-4942

CHARLES E RICHMOND
5402 PINE SHADOWS RD
CLEVELAND TX 77328-5700

ALEXANDRA RONNGREN
199 EMERSON
CONROE TX 77306

DIANA RICHMOND
5402 PINE SHADOWS RD
CLEVELAND TX 77328-5700

DELORES ROOST
18770 OAKRIDGE DR
CLEVELAND TX 77328-2669

CLARA RIGGINS
16604 HIGHLINE BLVD
CONROE TX 77306-6039

DANIEL & MARY ROSALES
16458 CROCKETT FOREST DR
CONROE TX 77306-6081

EMMER & ROBERT RIGGINS
22910 HAUSWORTH CT
SPRING TX 77373-7916

PEDRO ROSALES
16381 CROCKETT FOREST DR
CONROE TX 77306-6082

LARRY RIGGINS
16604 HIGHLINE BLVD
CONROE TX 77306-6039

JOHNNY ROTHE
15316 CAPITOL HILL RD
MONTGOMERY TX 77316-5245

ED RINEHART
PO BOX 84
NEW CANEY TX 77357-0084

S W RUTHERFORD
19208 STILLWOOD RD
CLEVELAND TX 77328-2521

SCOTTY ROBINSON
15733 1ST ST
SPLENDORA TX 77372-4048

ALAN B SADLER
COUNTY JUDGE, COMMISSIONERS CT OF MONTGOMERY
CNTY
301 N THOMPSON ST STE 210
CONROE TX 77301-2888

AGNES & EDDIE E ROGERS
7480 ADCOCK ACRES DR
CONROE TX 77303-4004

LAMONT L SAM
23059 SHARP RD
MONTGOMERY TX 77356-6443

TERRY E ROLLINS
561 COBURN RD
CLEVELAND TX 77328-2505

DAVID SAMS
23489 HARGRAVE RD
HOCKLEY TX 77447-5104

MARIA RONBERG
18720 OAKRIDGE DR
CLEVELAND TX 77328-2669

MARUEA SANGSTEAR
7489 FOREST HILLS DR
MONTGOMERY TX 77316-9283

EARLENE SANTO
11685 W LAKESHORE DR
CONROE TX 77303-3017

JUDI SELF
11651 DOTY DR
CONROE TX 77303-3475

DAVID W SARGENT, JR
7986 ADCOCK ACRES DR
CONROE TX 77303-4014

ALLEN SELPH
7044 N WALKER RD
CLEVELAND TX 77328-5732

BOB & LYNDA SASSER
117 SHADOWOOD ST
CONROE TX 77304-1767

ALLEN & JOYCE SELPH
7044 N WALKER RD
CLEVELAND TX 77328-5732

CAROL SAXON
13921 HIGHWAY 105 W #138
CONROE TX 77304-5703

R T SELPH
7058 N WALKER RD
CLEVELAND TX 77328-5732

BRENDA SCHANLT
6678 MAGNOLIA TRL
CONROE TX 77306-5740

ANITA SEVERA
11599 COON HOLLOW RD
CONROE TX 77306-7733

RUSSEL SCHOONOVER
17162 OLD HIGHWAY 105 E
CONROE TX 77306-6105

ANITA & RICHARD SEVERA
11599 COON HOLLOW RD
CONROE TX 77306-7733

ALAN SCHULER
20615 GINGER MEADOW LN
CLEVELAND TX 77328-2953

VERA SHAFER
10696 WAUKEGAN RD
CONROE TX 77306-6828

MR & MRS SCHULMIRE
12 CEDAR CREST ST
MONTGOMERY TX 77316-4405

R F SHANNON
5825 SAMPLEY WAY
HOUSTON TX 77092-1430

GORDON & JERRI SEALY
7153 GREENWOOD DR
CLEVELAND TX 77328-9442

MELVIN SHARPE
8450 ADCOCK ACRES DR
CONROE TX 77303-4066

JERRI SEALY
7153 GREENWOOD DR
CLEVELAND TX 77328-9442

FRANCES SHEPPARD
5480 GREENWOOD DR
CLEVELAND TX 77328-9404

VINSON SEALY
6928 HIDDEN ACRES DR
CLEVELAND TX 77328-2620

BRAD SHRIEVE
16066 FM 1484 RD
CONROE TX 77303-4130

PAUL SIMMONS
18597 PARKER RD
CLEVELAND TX 77328-9520

JERRIE SMITH, I
11681 DOTY DR
CONROE TX 77303-3475

STEPHANIE SIMMONS
18597 PARKER RD
CLEVELAND TX 77328-9520

JOHN B SMITH
15787 MILLER RD
CONROE TX 77303-4935

TRACEY SIMONSEN
13380 LAKE BREEZE LN
WILLIS TX 77318-5324

JOHN & LEAH SMITH
15787 MILLER RD
CONROE TX 77303-4935

BOB SINGLETON
8648 SERENITY CT
WILLIS TX 77378-5881

KEVIN SMITH
18135 HOWARDS WAY
CONROE TX 77306-8497

JAMES SINGLETON
406 N WALKER RD
CLEVELAND TX 77328-2315

LEAH D SMITH
15787 MILLER RD
CONROE TX 77303-4935

JAMES SINGLETON
18463 THOMAS ST
CLEVELAND TX 77328-6313

LOGANN SMITH
15787 MILLER RD
CONROE TX 77303-4935

CIARA SMALLING
410 N WALKER RD
CLEVELAND TX 77328-2315

RICHARD B SMITH
18678 PARKER RD
CLEVELAND TX 77328-9518

SHERRY SMALLING
308 KINSMAN RD
CLEVELAND TX 77328-2507

ROBERT SMITH
15378 JODY LN
CONROE TX 77303-3920

CASSIE & JAMES SMITH
7678 N WALKER RD
CLEVELAND TX 77328-5729

HERB E SOMPLASKY
19524 MEADOW LAKE RD
CLEVELAND TX 77328-2653

CHARLEY F SMITH
208 MOSS HILL LN
CONROE TX 77303-1745

NIKKI SOMPLASKY
19524 MEADOW LAKE RD
CLEVELAND TX 77328-2653

JAREN & LOGANN SMITH
15787 MILLER RD
CONROE TX 77303-4935

KATHRYN SPORE
11272 HWY 105 E
CLEVELAND TX 77328

JAN & RONALD STALLWORTH
20393 MEADOW LAKE RD
CLEVELAND TX 77328-2665

CONNIE STIPANIC
1655 ACORN PL
CLEVELAND TX 77328-2305

GEORGE STANDLEY
6342 GREENWOOD DR
CLEVELAND TX 77328-9405

BENNETT STONE
11272 HWY 105 E
CLEVELAND TX 77328

LINDA & RICKY STANDLEY
6342 GREENWOOD DR
CLEVELAND TX 77328-9405

BRYAN STUART
71 PARK CIR
MONTGOMERY TX 77356-5924

LINDA STANDLEY
6342 GREENWOOD DR
CLEVELAND TX 77328-9405

GARY M & SANDRA J SULLIVAN
1922 HUNNINGTON DR
CONROE TX 77303-1834

RICKY STANDLEY
6342 GREENWOOD DR
CLEVELAND TX 77328-9405

DONNIE & REBECCA SUTTON
19064 FM 1484 RD
CONROE TX 77303-4743

NICK STEELE
4112 PINE RD
CLEVELAND TX 77328-9545

COLETTE TALBERT
5848 ROLLINGHILLS RD
CONROE TX 77303-5178

DAVID L STEGENGA
6541 HIDDEN ACRES DR
CLEVELAND TX 77328-2627

JOSEPH TANSEU
18531 THOMAS ST
CLEVELAND TX 77328-6314

LINDA K STEGENGA
CAML
6541 HIDDEN ACRES DR
CLEVELAND TX 77328-2627

DAVID TATE
15378 JODY LN
CONROE TX 77303-3920

NANCY A STEWARD
77328 N WALKER
CLEVELAND TX 77328

JOHN D & RHONDA S TATE
15378 JODY LN
CONROE TX 77303-3920

NANCY STEWARD
7759 N WALKER RD
CLEVELAND TX 77328-5750

RHONDA S TATE
15378 JODY LN
CONROE TX 77303-3920

THOMAS E STEWARD
7759 N WALKER RD
CLEVELAND TX 77328-5750

HW TAYLOR
10094 HIDDEN ACRES DR
CLEVELAND TX 77328-2649

JOYCE TAYLOR
3163 N DUCK CREEK RD
CLEVELAND TX 77328-5833

JANICE THOMASON
45 ARTESIA
CONROE TX 77304-2525

CLAUDE A TEAL
9813 IBIS LN
CONROE TX 77385-3420

BILLY THOMPSON
3803 MILLER RD
CLEVELAND TX 77328-2920

ADRIADNA NATALIA TEAPILA
15467 JODY LN
CONROE TX 77303-3923

KENNETH THOMPSON
459 COBURN RD
CLEVELAND TX 77328-2504

DEBRA TEEKAMP
3925 WOODPECKERS GRV
CLEVELAND TX 77328-2678

SCOTT THOMPSON
7806 MARY KATHERYNS XING
CONROE TX 77304-4979

FLOYD TEMPLE
11631 FM 830 RD
WILLIS TX 77318-5556

SHERI THOMPSON
3803 MILLER RD
CLEVELAND TX 77328-2920

MAXEY THARP
20020 SECURITY WAY
CLEVELAND TX 77328-6429

TODD THOMPSON
19715 OLD HIGHWAY 105
CLEVELAND TX 77328-6417

KEITH A THERIOT
619 GILPIN ST
HOUSTON TX 77034-2013

JACK S TORRENCE
2424 COACHLIGHT LN
CONROE TX 77384-3347

AMY THOMAS
18707 PALM BEACH BLVD
MONTGOMERY TX 77356-4788

MARCIA TOWNSEND
5862 FM 1374 RD
NEW WAVERLY TX 77358-3922

HAILEY THOMAS
15511 TREE MONKEY RD
CONROE TX 77303-4861

DEBRA TRAMMEL
PO BOX 1261
SPLENDORA TX 77372-1261

PAT THOMAS
9060 VAL VERDE WAY
WILLIS TX 77378-4819

H EUGENE TRAMMEL
PO BOX 1261
SPLENDORA TX 77372-1261

TRACIE THOMAS
15904 MILLER RD
CONROE TX 77303-4938

JOSH TRAVESSE
10616 CHAMPION FOREST LOOP
CONROE TX 77303-3732

GORDON TROTT
9984 HIDDEN ACRES DR
CLEVELAND TX 77328-2741

MAX VICKERS
7167 KINGSTON COVE LN
WILLIS TX 77318-9189

KIMBERLY TROTT
9984 HIDDEN ACRES DR
CLEVELAND TX 77328-2741

JOHN VICKERY
222 SALEM CHURCH RD
WILLIS TX 77378-2404

ROSS TUFF
1745 HAZELWOOD ST
CONROE TX 77301-4032

MARIA VICKERY
222 SALEM CHURCH RD
WILLIS TX 77378-2404

STAN TULLY
10414 GREENRIDGE RD
CONROE TX 77303-4206

PH VICKEY
PO BOX 2024
PORTER TX 77365-2024

JASON TURNER
410 N WALKER RD
CLEVELAND TX 77328-2315

CANDACE VILLARREAL
21 KENSINGTON CT
CONROE TX 77304-2707

JASON TURNER
7233 S FORK DR
CONROE TX 77303-4035

FAUSTINO D VILLARREAL
21 KENSINGTON CT
CONROE TX 77304-2707

SANDRA TURNER
410 N WALKER RD
CLEVELAND TX 77328-2315

YVONNE P VILLARREAL
12672 OAK LEAF RD
CONROE TX 77303-5254

BARB & MR DICK VAN LIEW
16410 TREE MONKEY RD
CONROE TX 77303-4958

ASHLEA VYORAL
16183 TREE MONKEY RD
CONROE TX 77303-4955

JESSIE VAN LIEW
16410 TREE MONKEY RD
CONROE TX 77303-4958

DOUG VYORAL
16183 TREE MONKEY RD
CONROE TX 77303-4955

DANIEL P VARGAS
7925 CROCKETT MARTIN RD
CONROE TX 77306-6061

PAUL VYORAL
14180 MILLMAC RD
CONROE TX 77303-4586

JIM VAUGHT
15868 MAGNOLIA PARK
CONROE TX 77306-6936

MARGARET C WAGNER
5804 PINE SHADOWS RD
CLEVELAND TX 77328-5701

BILLY WAGNON
20798 RED OAK DR
CLEVELAND TX 77328-2934

MICHAEL WALTON
8111 HIDDEN TRAIL LN
SPRING TX 77379-8719

CHRIS WALKER
629 MOSSWOOD DR
CONROE TX 77302-1170

FAHAD WAQAS
2201 MONTGOMERY PARK BLVD APT 913
CONROE TX 77304-3570

JOHNNY WALKER
10557 FM 1485 RD
CONROE TX 77306-7411

DANNY & DONNA WARNER
11450 DOTY DR
CONROE TX 77303-3547

L R WALKER
9115 FOSTORIA RD
CLEVELAND TX 77328-6961

DAVID & MARCIA WARNER
4275 JEANETTE LN
CONROE TX 77303-4878

R W WALKER
17020 SOLOMON ST
CLEVELAND TX 77328

JOHN & VICKIE WARNER
17941 FM 1484 RD
CONROE TX 77303-4739

RACHEL WALKER
1435 RILEY FUZZELL RD
SPRING TX 77386-2712

BECKIE WARREN
15284 WHITE OAK LN
CONROE TX 77303-3962

TAMMY WALKER
12851 SHORELINE DR
MONTGOMERY TX 77356-2170

PAULA WARREN
15284 WHITE OAK LN
CONROE TX 77303-3962

JAMES E WALKINSHAW, JR
5821 PINE SHADOWS RD
CLEVELAND TX 77328-5712

SHANNON WARREN
16878 CANARY ST
CONROE TX 77385-3407

BOBBY L WALTERS
19188 MEADOW LAKE RD
CLEVELAND TX 77328-2650

CYNTHIA WATFORD
13685 TOMMY SMITH RD
CONROE TX 77306-8447

DEBRA WALTERS
19188 MEADOW LAKE RD
CLEVELAND TX 77328-2650

SHAWN WATFORD
13685 TOMMY SMITH RD
CONROE TX 77306-8447

LONI WALTERS
515 N MAGNOLIA DR
CONROE TX 77301-3259

JAMES R WATKINS
406 N WALKER RD
CLEVELAND TX 77328-2315

JAMES WATKINS, JR
410 N WALKER RD
CLEVELAND TX 77328-2315

DALE WELCH
2791 N WALKER RD
CLEVELAND TX 77328-2344

JANICE WATKINS
406 N WALKER RD
CLEVELAND TX 77328-2315

DEBORAH WELCH
20973 HIGHWAY 105
CLEVELAND TX 77328-6136

SUE WAYFORD
15509 E WILLIAMS RD
CONROE TX 77303-3459

JIMMIE C WELCH
486 KINSMAN RD
CLEVELAND TX 77328-2508

DONNA WEAVER
16310 WEAVER LN
CONROE TX 77303-4218

JOHN L WELCH
2787 N WALKER RD
CLEVELAND TX 77328-2344

RANDALL WEAVER
16310 WEAVER LN
CONROE TX 77303-4218

KAREN J WELCH
2791 N WALKER RD
CLEVELAND TX 77328-2344

JACLYN & JORDAN WEDGEWOOD
14401 CREIGHTON RD
CONROE TX 77302-6039

SANDY WELCH
24639 LAKEWOOD DR
SPLENDORA TX 77372-3843

JIMMY WEEKS
805 WAUKEGAN RD
CONROE TX 77306-5797

HEATH WELLS
11743 E OLD OAK TRL
WILLIS TX 77378-3975

ANGELA WELCH
3161 WALKER RD
CONROE TX 77303-4968

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MILES TX 76861-0058

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382 KINSMAN RD
CLEVELAND TX 77328-2507

JOHN & VICKIE WERNER
17971 FM 1484 RD
CONROE TX 77303-4739

CRAIG WELCH
24639 LAKEWOOD DR
SPLENDORA TX 77372-3843

JANET WESTBROOK
12565 ROBIN LN
WILLIS TX 77378-4747

DALE & KAREN WELCH
2791 N WALKER RD
CLEVELAND TX 77328-2344

JODY WESTRA
2039 MANN RD
CONROE TX 77303-4519

ANNETTE WHITE
10625 NEWTON CIR
CONROE TX 77303-3235

HERSCHEL R WILSON
19144 HIGHWAY 105
CLEVELAND TX 77328-2421

MARK WIGGINS
17416 CASTLEWOOD DR
CONROE TX 77306-7623

WILLIAM WINTERS
115 SEMINOLE DR
MONTGOMERY TX 77316-6179

MICHAEL WILKINSON
15421 ARROWHEAD LOOP W
WILLIS TX 77378-3613

SHANNON WINTON
597 SPRUCE DR
CONROE TX 77302-1098

CHARLOTTE WILLIAMS
2304 PINE RD
CLEVELAND TX 77328-9524

DALTON WOOLERY
2927 S DUCK CREEK RD
CLEVELAND TX 77328-6710

ESTHER WILLIAMS
254 WESTCOTT ST
HOUSTON TX 77007-7004

JACKIE WOYCHESIN
7627 GREENWOOD DR
CLEVELAND TX 77328-9423

JAMES S WILLIAMS
2304 PINE RD
CLEVELAND TX 77328-9524

JACQUELINE WOYCHESIN
7627 GREENWOOD DR
CLEVELAND TX 77328-9423

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13865 AUSTIN MCCOMB RD
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BANICA YOUNG
120 TOLEDO ST
CONROE TX 77301-2044

DIANE A WILSON
13865 AUSTIN MCCOMB RD
MONTGOMERY TX 77316-2423

BUBBA YOUNG
390 SCARLETT DR
SHEPHERD TX 77371-3336

JULIANNE YOUNG
8086 ADCOCK ACRES DR
CONROE TX 77303-4016

LILA YOUNG
2003 FM 3081 RD
WILLIS TX 77378-2827

RAY YOUNG
21710 ARLENE DR
MAGNOLIA TX 77355-5312

RICHARD YOUNG
24789 WATSON RANCH RD
MONTGOMERY TX 77356-6456

PATTY ZARATE
17255 WHITE OAK ORCH
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MONTGOMERY LANDFILL SOLUTIONS, LP
DOCKET NO. 2005-1371-MSW; PERMIT NO. 2324**

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Cleveland, TX 77328

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Conroe, TX 77303

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Conroe, TX 77303

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Willis, TX 77373

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7925 Crockett Martin Rd.
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12421 Broad Traylor Rd.
Willis, TX 77373

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12421 Browder Traylor Rd.
Willis, TX 77378

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1816 Aspen
Seabrook, TX 77856

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17732 Dogwood
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Samantha Baumgarten
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Conroe, TX 77303

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Humble, TX 77396

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Cleveland, TX 77328

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Conroe, TX 77301

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Conroe, TX 77301

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Conroe, TX 77351

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11836 Mocking Will Hill
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Sharon Maddox
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Conroe, TX 77306

Brenda Shank
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10975 Newton Circle
Conroe, TX 77303

Kristin Wright
2 Midwood Cr.
Conroe, TX 77301

Racheal Young
1200 N. Loop 336 West
Conroe, TX 77301

**Permit Application
for the Montgomery Landfill Solutions, LP, in Montgomery County, Texas
TCEQ Permit No. MSW-2324**

TCEQ Docket No. 2005-1371-MSW

Applicant's Response to Hearing Requests

Exhibit 1

Example of CAML Response Form Letter

Table of Individuals Filing A CAML Response Form Letter

NWJ
378008

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

H OPA
MAR 25 2009
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 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

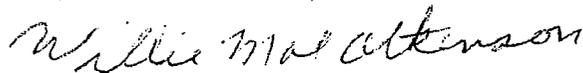
Response 32: The 200 ft height of the site will allow air pollutants from the site to be easily blown over the community by light winds. This is not addressed at all in the permit design.

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 Adskinson

Table 1 – Requesters that have either identified themselves as members of CAML or have been identified as such by communications from CAML itself.

	Name	Address
1.	Heather Adams	2061 North Walker Rd Cleveland, TX 77328
2.	Lori Adams	2812 Acorn Place Cleveland, TX 77328
3.	Rodney Adkinson	15969 Tree Monkey Rd. Conroe, TX 77303
4.	Lewis Akin	792 N. Walker Rd. Cleveland, TX 77328
5.	Amy Ashby	2118 Pine Road Cleveland, TX 77328
6.	Kevin Ashby	2118 Pine Road Cleveland, TX 77328
7.	Emileen Atkinson	16027 Tree Monkey Conroe, TX 77303
8.	Richard Atkinson	16027 Tree Monkey Conroe, TX 77303
9.	Willie Mae Atkinson	16061 Tree Monkey Conroe, TX 77303
10.	Barry Ba	308 Kinsman Rd. Cleveland, TX 77328
11.	Ebbie Bailey	20099 Security Way Cleveland, TX 77328
12.	Martha Barr	1881 Acorn Pl. Cleveland, TX 77328
13.	Deborah Bell	3393 N Duck Creek Rd Cleveland, TX 77328
14.	Jason A. Bellini	6683 Pine Shadows Rd. Cleveland, TX 77328
15.	Kimberly M. Bellini	6683 Pine Shadows Rd. Cleveland, TX 77328
16.	Rosalie Bianco	22034 Morgan Cemetery Rd. Cleveland, TX 77328
17.	Kennith Bishoff	20266 South Geronimo Trails Cleveland, TX 77328
18.	Lee Ann Bishoff	20266 South Geronimo Trails Cleveland, TX 77328
19.	Betty Blackman	2061 N. Walker Rd. Cleveland, TX 77328
20.	Terry Blackman	18190 Dodd Rd. Cleveland, TX 77328
21.	Violet Blackman	18190 Dodd Rd. Cleveland, TX 77328
22.	W.L. Blackman	2061 N. Walker Rd. Cleveland, TX 77328
23.	Ann Blackmer	8073 Pine Shadows Cleveland, TX 77328
24.	Robert S. Blackmer	8073 Pine Shadows Cleveland, TX 77328
25.	Karen and Tim Bradberry	3516 Woodpeckers Grove Cleveland, TX 77328

26.	Sherry Brannon	308 Kinsman Rd. Cleveland, TX 77328
27.	Courtney Brennan	9595 Adcock Acres Conroe, TX 77303
28.	Tila Brooks	348 CR 3810 Cleveland, TX 77328
29.	Charles E. Buzbee	6687 Pine Shadows Rd. Cleveland, TX 77328
30.	Marie E. Buzbee	6687 Pine Shadows Rd. Cleveland, TX 77328
31.	Laura Champagne	4290 N. Duck Creek Cleveland, TX 77328
32.	Gary Chunn	15751 Miller Rd. Conroe, TX 77303
33.	Penny Chunn	15751 Miller Rd. Conroe, TX 77303
34.	Larry Wayne Collins	20724 Red Oak Dr. Cleveland, TX 77328
35.	James Crandle	4681 Greenwood Dr. Cleveland, TX 77328
36.	William Winwright Cribbs	18451 Soloman Cleveland, TX 77328
37.	Troy A. Deaton	1600 Riverpointe Dr. #482 Conroe, TX 77304
38.	David A. Deschner	4200 Deschner Rd. Cut n Shoot, TX 77306
39.	Frank Fanning	4200 Weir Rd. Cleveland, TX 77328
40.	Stephanie Ford	175 Aquarius Rd. Cut N Shoot, TX
41.	Vanda Ford	16467 North Emerson Cr. Conroe, TX 77306
42.	Skipper Fountain	2812 Acorn Place Cleveland, TX 77328
43.	Steven Geisman	18720 Oakridge Drive Cleveland, TX 77328
44.	Judith Gray	310 S. First St. Conroe, TX 77301
45.	Melinda Hall	20122 Meadow Lake Rd. Cleveland, TX 77328
46.	Sandy Hamilton	3314 N. Walker Rd Cleveland, TX 77328
47.	Steve Hamilton	3314 N. Walker Rd Cleveland, TX 77328
48.	Beverly Hammet	19575 Cearley Rd. Cleveland, TX 77328
49.	Jerry Hammet	19575 Cearley Rd. Cleveland, TX 77328
50.	Linda Hampton	2000 California Ave. Cleveland, TX 77328
51.	Kathleen Harrison	20245 Teepee Trail Cleveland, TX 77328
52.	Laurie Headings	4681 Greenwood Dr. Cleveland, TX 77328

53.	Sonja Henry	17320 Peach Creek Conroe, TX 77303
54.	Dallas Hiet	20270 S. Geronimo Trail Cleveland, TX 77328
55.	Barbara Huddleston	14249 Cedar Ln. Loop Willis, TX 77378
56.	Timothy Huston	6744 Hidden Acres Cleveland, TX 77328
57.	Bobbie D. Irwin	18670 Parker Rd. Cleveland, TX 77328
58.	Stanley Johnson	539 Kinsman Rd. Cleveland, TX 77328
59.	Laura Jones	792 N. Walker Rd. Cleveland, TX 77328
60.	Ross I. Jones	1758 Price Dr. Cleveland, TX 77328
61.	Lorena Jungst	9595 Adcock Acres Conroe, TX 77328
62.	John Kenney	11791 Paddocks Rd. Conroe, TX 77306
63.	Henry Knight	20198 Sherwood Dr. Cleveland, TX 77328
64.	Sharon Labian	4200 Weir Rd. Cleveland, TX 77328
65.	Francine Lafield	11441 Metts Rd. Conroe, TX 77306
66.	Brice Leverett	12565 Rabin Ln. Willis, TX 77378
67.	Edward Lichnerowicz	2020 White Rock Rd. Cleveland, TX 77327
68.	David Lounder	12714 Roy Harris loop Conroe, TX 77306
69.	Christine Ludwig	18085 Old Hwy 105 Cleveland, TX 77328
70.	David Ludwig	18085 Old Hwy 105 Cleveland, TX 77328
71.	Charles Wade Lyle	20000 Meadow Lake Rd. Cleveland, TX 77328
72.	Jose Guadalupe Marquez	15467 Jody Ln. Conroe, TX 77303
73.	Robert B. Martin	20122 Meadow Lake Rd. Cleveland, TX 77328
74.	Stewart Matthews	16370 Tree Monkey Rd. Conroe, TX 77303
75.	James A. and Lori	16570 FM 1484 Conroe, TX 77303
76.	Jeffrey McCaffrey	4231 Weir Rd. Cleveland, TX 77328
77.	Melissa McCaffrey	4231 Weir Rd. Cleveland, TX 77328
78.	Ronald McCaffrey	4231 Weir Rd. Cleveland, TX 77328
79.	Don McCaslin	328 N. Walker Rd. Cleveland, TX 77328

80.	Maggie McCaslin	328 N. Walker Rd. Cleveland, TX 77328
81.	Meagan McCaslin	328 N. Walker Rd. Cleveland, TX 77328
82.	Tricia McCaslin	328 N. Walker Rd. Cleveland, TX 77328
83.	Barbara McLeane	5076 Greenwood Dr. Cleveland, TX 77328
84.	Esmeralda McLeane	5076 Greenwood Dr. Cleveland, TX 77328
85.	Matt McLeane	5076 Greenwood Dr. Cleveland, TX 77328
86.	Ned McLeane	5076 Greenwood Dr. Cleveland, TX 77328
87.	Michelle Miller	1270 Runnels Rd. Conroe, TX 77303
88.	Robert Miller	20122 Meadow Lake Rd. Cleveland, TX 77328
89.	Tommy Miller Jr.	4195 Woodpeckers Grove Cleveland, TX 77328
90.	Lorrie Minix	18305 SH 105 Cleveland, TX 77328
91.	Christopher Morrill	12735 Royal Shore Dr. Conroe, TX 77303
92.	Crystal Morrill	12735 Royal Shore Dr. Conroe, TX 77303
93.	Milton Mueller	16499 N. Emerson Cir. Conroe, TX 77306
94.	Rhonda Nash	15969 Tree Monkey Rd. Conroe, TX 77303
95.	David Neal	6185 Forest Dr. Cleveland, TX 77328
96.	Debbie Neal	6185 Forest Dr. Cleveland, TX 77328
97.	Casey A. Neely	9595 Adcock Acres Conroe, TX 77303
98.	Glenda O' Farrell	18039 Old Hwy 105 Cleveland, TX 77328
99.	Judith O' Toole	19524 Meadow Lake Rd. Cleveland, TX 77328
100.	John Overall	1216 N. Walker Rd. Cleveland, TX 77328
101.	Jesse Prewitt	11440 Hillgreen Conroe, TX 77303
102.	Kelly Radmonovich	21323 Big Buck Dr. Cleveland, TX 77328
103.	Milorad Radmonovich	21323 Big Buck Dr. Cleveland, TX 77328
104.	Lawrence and Carolyn Sue	5800 Pine Shadows Rd. Cleveland, TX 77328
105.	Fransisco Ramirez	17417 White Oak Rd. Conroe, TX 77304
106.	Patricia Ream	20000 Meadow Lake Rd. Cleveland, TX 77328

107.	Robert Ream	20000 Meadow Lake Rd. Cleveland, TX 77328
108.	Charles Reed	4231 Weir Rd. Cleveland, TX 77328
109.	Kelly Reed	4231 Weir Rd. Cleveland, TX 77328
110.	David Rendon	19731 Meadow Lake Rd. Cleveland, TX 77328
111.	Terry Rollins	561 Loburn Rd. Cleveland, TX 77328
112.	Maria Ronberg	18720 Oakridge Dr. Cleveland, TX 77328
113.	Alexandra Ronngren	199 Emerson Conroe, TX 77306
114.	Daniel and Mary Rosales	16458 Crockett Forest Dr. Conroe, TX 77306
115.	Russell Schoonover	17162 Old Hwy 105 E. Conroe, TX 77306
116.	R. Allen Selph	7044 N. Walker Rd. Cleveland, TX 77328
117.	RT Selph	7058 N. Walker Rd. Cleveland, TX 77328
118.	Vera Shafer	10696 Waukegan Rd. Conroe, TX 77306
119.	Frances Sheppard	5480 Greenwood Dr. Cleveland, TX 77328
120.	Bob Singleton	3648 Serenity Ct. Willis, TX 77378
121.	Sfc. James Singleton	406 N. Walker Rd. Cleveland, TX 77328
122.	Charley F. Smith	208 Moss Will Conroe, TX 77303
123.	Jaren N. Smith	15787 Miller Rd. Conroe, TX 77303
124.	John B. Smith	15787 Miller Rd. Conroe, TX 77303
125.	Leah D. Smith	15787 Miller Rd. Conroe, TX 77303
126.	Richard B. Smith	18678 Parker Rd. Cleveland, TX 77328
127.	Herbert Somplasky	19524 Meadow Lake Rd. Cleveland, TX 77328
128.	Nikki Somplasky	19524 Meadow Lake Rd. Cleveland, TX 77328
129.	Kathryn Spore	11272 Hwy 105 E. Cleveland, TX 77328
130.	Linda Standley	6342 Greenwood Dr. Cleveland, TX 77328
131.	Linda K. Stegenga	6541 Hidden Acres Dr. Cleveland, TX 77328
132.	Nancy Steward	7759 N. Walker Rd. Cleveland, TX 77328
133.	Thomas Steward	7759 N. Walker Rd. Cleveland, TX 77328

134.	Bennet Stone	P.O. Box 3401 Conroe, TX 77303
135.	Rhonda Tate	15378 Jody Ln. Conroe, TX 77303
136.	Joyce K. Taylor	3163 N. Duck Cr. Rd. Cleveland, TX 77328
137.	Adriadna Natalia Teapila	15467 Jody Ln Conroe, TX 77303
138.	Billy Thompson	3803 Miller Rd. Cleveland, TX 77328
139.	Kenneth Thompson	459 Coburn Rd. Cleveland, TX 77328
140.	Todd Thompson	19715 Old Hwy 105 Cleveland, TX 77328
141.	Gordon Trott	9984 Hidden Acres Dr. Cleveland, TX 77328
142.	Kimberley Trott	9984 Hidden Acres Dr. Cleveland, TX 77328
143.	Sandra Turner	410 N. Walker Rd. Cleveland, TX 77328
144.	John Vickery	222 Salem Church Rd. Willis, TX 77378
145.	Maria Vickery	222 Salem Church Rd. Willis, TX 77378
146.	Margaret C. Wagner	5804 Pine Shadows Rd. Cleveland, TX 77328
147.	L.R. Walker	9115 Fostoria Rd. Cleveland, TX 77328
148.	R.W. Walker	17020 Solomon st. Cleveland, TX 77328
149.	James E. Walkinshaw Jr.	5821 Pine Shadow Rd. Cleveland, TX 77328
150.	Fahad Waqas	2201 Montgomery Park Blvd. # 913 Conroe, TX 77304
151.	James Watkins Jr.	410 N. Walker Rd. Cleveland, TX 77328
152.	James Watkins	410 N. Walker Rd. Cleveland, TX 77328
153.	Janice "Killer" Watkins	406 N. Walker Rd. Cleveland, TX 77328
154.	Cliff Welch	382 Kinsman Rd. Cleveland, TX 77328
155.	Dale and Karen Welch	2791 N. Walker Rd. Cleveland, TX 77328
156.	Deborah Welch	20973 SH Hwy 105 Cleveland, TX 77328
157.	Jimmie C. Welch	486 Kinsman Rd. Cleveland, TX 77328
158.	John L. Welch	2787 N. Walker Rd. Cleveland, TX 77238
159.	Janet Westbrook	12565 Robin Ln. Willis, TX 77378
160.	Charlotte Williams	2304 Pine Rd. Cleveland, TX 77328

161.	James S. Williams	2304 Pine Rd. Cleveland, TX 77328
162.	James Williams	2304 Pine Rd. Cleveland, TX 77328
163.	Lacey Wiliams	2061 N. Walker Rd. Cleveland, TX 77328
164.	Herschel R. Wilson	19144 S. Hwy 105 Cleveland, TX 77328
165.	Jacqueline A. Woychesin	7627 Greenwood Dr. Cleveland, TX 77328
166.	Paul Zylman	2388 N. Walker Rd. Cleveland, TX 77328

**Permit Application
for the Montgomery Landfill Solutions, LP, in Montgomery County, Texas
TCEQ Permit No. MSW-2324**

TCEQ Docket No. 2005-1371-MSW

Applicant's Response to Hearing Requests

Exhibit 2

Example of Notice of Application Form Letter

**Table of Individuals Filing A Notice of Application Form Letter
and
Who Are Beyond 1 Mile or No Statement of Distance**

TEXAS
COMMISSION
ON ENVIRONMENTAL QUALITY
November 13, 2007

MSW
37868
DPA
JAN 17 2008
PM
H BY

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.

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, Covington, Te 77306
Phone- (936) 231-2565

Distance from proposed site- 10 miles

Negative impact to my health, safety and property will be - Well water pollution, stream pollution
HWLOS traffic

Sincerely

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

Table 2 – Hearing Requesters submitting Notice of Application Form Letter and live beyond one mile (or where the distance can not be determined from the letter) from the facility boundary.

	Name	Address
1.	Roger Adams	1562 Pioneer Cleveland, TX 77328
2.	Ruth "Missy" Allen	19520 Meadow Lake Rd Cleveland, TX 77328
3.	Dorothy Bell	3393 N. Duck Creek Cleveland, TX 77328
4.	Jason A. Bellini	6683 Pine Shadows Rd. Cleveland, TX 77328
5.	Kimberley M. Bellini	6683 Pine Shadows Rd. Cleveland, TX 77328
6.	Ralph E. Benedict	15775 Stoltje Dr. Conroe, TX 77306
7.	Mrs. R. A. Benedict	15775 Stoltje Dr. Conroe, TX 77306
8.	Bonnie Braswell	3593 Brazewell Cleveland, TX 77328
9.	Charles E. Buzbee	6687 Pine Shadows Rd. Cleveland, TX 77328
10.	Marie E. Buzbee	6687 Pine Shadows Rd. Cleveland, TX 77328
11.	Dennis R. Cartwright	1710 Crysel Rd. Cleveland, TX 77328
12.	Rosemarie Cartwright	1710 Crysel Rd. Cleveland, TX 77328
13.	James E. Clanton	10605 Greenridge Rd. Conroe, TX 77303
14.	Belinda Faulkner	14141 Highway 105 Cleveland, TX 77327
15.	Lisa Ford	10106 Kirkwren Dr. Houston, TX 77089
16.	Terri Gandy	P.O. Box 1031 Cleveland, TX 77328
17.	Sherry Glaze	21527 Maddux Dr. Porter, TX 77365
18.	Matt Glazewski	20119 Fox Grove Lane Humble, TX 77338
19.	Glenela Godejohn	10556 Fostoria Rd. Cleveland, TX 77328
20.	Maurice Godejohn	10556 Fostoria Rd. Cleveland, TX 77328
21.	Martha Guilbeaux	7985 Adcock Acres Conroe, TX 77303
22.	Ronnie Guilbeaux	7985 Adcock Acres Conroe, TX 77303
23.	Sheila Hardrick	5022 Algernon Dr. Spring, TX 77373
24.	Prescilla Harris	18219 Yuhum Ridge Trail Humble, TX 77338
25.	Thomas Harrison	Address Unknown

26.	Deborah Heurmann	11610 Browder Traylor Rd. Conroe, TX 77303
27.	Amber Hunt	12421 Browder Traylor Rd. Conroe, TX 77303
28.	Jimmy Hunt	12421 Browder Traylor Rd. Conroe, TX 77303
29.	Crystal Kelsoe	12414 Browder Traylor Willis, TX 77373
30.	Eric Kelsoe	12414 Browder Traylor Willis, TX 77373
31.	Ed Kirkland	16605 Highline Blvd. Conroe, TX 77303
32.	Floralee Lovell	10578 Fawn Mist dr. Conroe, TX 77303
33.	James Lovell	10578 Fawn Mist dr. Conroe, TX 77303
34.	David H. Ludwig Jr.	18083 Old Hwy 105 Cleveland, TX 77328
35.	Charles W. Lyle	20000 Meadow Lake Rd. Cleveland, TX 77328
36.	Bob McDaniel	5410 Dunleith Lane Spring, TX 77375
37.	Terri McDonald	14860 Rosebud Ln. Conroe, TX 77303
38.	Carl McLeod	8042 Greenwood Dr. Cleveland, TX 77328
39.	Linda Middleton	1816 Aspen
40.	Ruthie M. Needham	11830 Elizabeth Ridge Conroe, TX 77304
41.	Louis Angel Nova	12321 Royal West
42.	Leda O'Neil	19273 Meadow Lake Rd. Cleveland, TX 77328
43.	Tara Olephant	17425 FM 1484 Conroe, TX 77303
44.	Linda Ott	16709 Highline Blvd. Conroe, TX 77303
45.	Sylvia Padilla	16757 Oakridge Dr. Cleveland, TX 77328
46.	Jack Potter	529 CR 3317 Cleveland, TX 77327
47.	Lisa Reasor	13060 Sandchester Trail Conroe, TX 77306
48.	Terry E. Rollins	561 Loburn Rd. Cleveland, TX 77328
49.	Delores Roost	18770 Oak Ridge Dr. Cleveland, TX 77328
50.	J. Sandles	18290 Upper Bay #107 Houston, TX 77058
51.	John B. and Leah D. Smith	15787 Miller Rd. Conroe, TX 77303
52.	Nikki Somplasky	19524 Meadow Lake Rd. Cleveland, TX 77328
53.	Linda Standley	6342 Greenwood Dr. Cleveland, TX 77328

54.	Linda K. Stegenga	6541 Hidden Acres Dr. Cleveland, TX 77328
55.	Joseph Tanser	18531 Thomas Cleveland, TX 77328
56.	David Tate	15378 Jody Ln. Conroe, TX 77303
57.	Rhonda Tate	15378 Jody Ln. Conroe, TX 77303
58.	Jason Turner	7233 South Fork Dr. Conroe, TX 77303
59.	Ken Van Dine	1436 N. Duck Creek Rd. Cleveland, TX 77328
60.	Dan Wallace	12421 Browder Traylor Rd. Willis, TX 77378
61.	Shaun Wallace	12421 Browder Traylor Rd. Willis, TX 77378
62.	Cynthia Watford	13685 Tommy Smith Rd Conroe, TX 77306
63.	Shawn Watford	13685 Tommy Smith Rd Conroe, TX 77306
64.	James Watkins	410 N. Walker Rd Cleveland, TX 77328
65.	Angela Welch	3161 Walker Rd. Conroe, TX 77303
66.	Dale Welch	2791 N. Walker Rd. Cleveland, TX 77328
67.	Karen J. Welch	2791 N. Walker Rd. Cleveland, TX 77328
68.	Esther Williams	254 Westcott St. Houston, TX 77007
69.	Michael Wilkinson	20278 S. Geronimo Trail Cleveland, TX 77328
70.	William Winters	115 Seminole Dr. Montgomery, TX 77316

**Permit Application
for the Montgomery Landfill Solutions, LP, in Montgomery County, Texas
TCEQ Permit No. MSW-2324**

TCEQ Docket No. 2005-1371-MSW

Applicant's Response to Hearing Requests

Exhibit 3

Example of Notice of Filing Form Letter

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:

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 aquifers 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
One, Texas 77326

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2004 MAY 28 PM 4:00
CHIEF CLERK'S OFFICE

OPA

JUN 01 2004

J

(S)

Handwritten mark

**Permit Application
for the Montgomery Landfill Solutions, LP, in Montgomery County, Texas
TCEQ Permit No. MSW-2324**

TCEQ Docket No. 2005-1371-MSW

Applicant's Response to Hearing Requests

Exhibit 4

Example of Public Meeting Form Letter

August 09, 2004

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

PM
H

OPA RECEIVED

AUG 09 2004

AT PUBLIC MEETING

2004 AUG 11 PM 2:59
CHIEF CLERKS OFFICE

37868

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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 grand children 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

11

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

CHIEF CLERKS OFFICE

2004 AUG 11 PM 2:59

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE PRINT:

Name: BARBARA MAYEW

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.

**Permit Application
for the Montgomery Landfill Solutions, LP, in Montgomery County, Texas
TCEQ Permit No. MSW-2324
TCEQ Docket No. 2005-1371-MSW**

Applicant's Response to Hearing Requests

Exhibit 5

Keystone Natural Resources Withdrawal

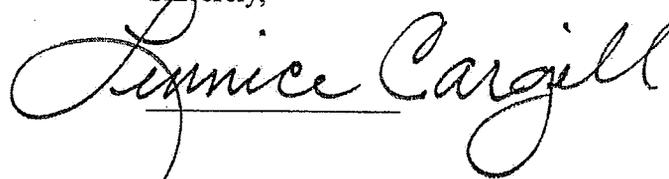
Chief Clerk
Texas Commission in Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Application for Permit No. MSW 2324
Montgomery Landfill Solutions LP
Withdrawal of Hearing Request

To Whom it may Concern:

Please accept this as withdrawal of any hearing request or comment of Keystone Natural Resources in connection with the above referenced application.

Sincerely,

A handwritten signature in cursive script that reads "Linnice Cargill". The signature is written in black ink and is positioned below the word "Sincerely,". The name "Linnice" is written in a larger, more prominent script than "Cargill".