

MSW
51835

Glenn Shankle, Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin Tx 78711-3087

OPA RFR

MAR 27 2007

BY J

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 MAR 26 11:10:51
CHIEF CLERKS OFFICE

Mr. Shankle,

Recently I received a packet from your office with regard to the Blue Ridge Landfill near my home in Missouri City (Permit #1505A). I noticed nearly 1100 other home and property owners were listed on the complaint against the proposed permit requested by the billion dollar corporation Allied Waste. The company has stated several times that the recorded Barium leak at their facility in 2005 is a naturally occurring event, but when I discussed this with the EPA, they said that they can not make this claim and infer that a leak is not present or caused by them at the site without forensic analysis, which is not part of normal operating procedure required by the state. Because of this recent information I'm asking your office to reconsider approval of this permit and to fully investigate this information by the company and require them to conduct the forensic analysis needed to prove their claim, or they should be required to withdraw it and to stop making factual errors like this when presenting their case or permit/s.

Again, I am formally asking you to reconsider your decision on their permit based on the false assertions made by Allied Waste with regard to the 2005 reported Barium leaks at statistically significant levels. Further I am requesting an investigation by the TCEQ into this leak and reported claims by A.W.

Respectfully,

Chris Calvin, Ph.D. - Co-Chair
281-778-6406
Committee for Responsible Development
Missouri City, TX 77459

cc: alo



No Exposure Certification (NEC) for Storm Water Discharges Associated with Industrial Activity under TPDES General Permit (TXR050000)

TCEQ Office Use Only

Permit No.: _____

RN: _____

CN: _____

GPA

NOV 21 2006

MSO 1505A



Sign up now for on line NEC at <http://www.tceq.state.tx.us/permitting/steers/steers.html>

Did you know you can pay on line? Go to www.tceq.state.tx.us/ePay

Select Fee Type: GENERAL PERMIT INDUSTRIAL STORM WATER DISCHARGE NEC APPLICATION

BY

Application Fee: You must pay the \$100 Application Fee to TCEQ for the application to be considered complete.

How did you pay this fee?

<input checked="" type="checkbox"/> Mailed:	Check/Money Order No.: <u>14827</u>	Name Printed on Check: <u>SUTTER HOUSE PRINTING</u>
<input type="checkbox"/> EPAY:	Voucher No.:	Is the Payment Voucher copy attached? <input checked="" type="checkbox"/> Yes

IMPORTANT:

- Use the attached INSTRUCTIONS when completing this form.
- After completing this form, use the attached CUSTOMER CHECKLIST to make certain all items are complete and accurate.
- Missing, illegible, or inaccurate items may delay final acknowledgment or coverage under the general permit.

Renewal of General Permit

Is this NOI being submitted to continue an ACTIVE authorizator under a reissued general permit?

Yes If Yes, what is the permit number issued by TCEQ? Permit No.: TXRNET 408

No If No, a new permit number will be issued.

A. OPERATOR (applicant)

1. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN

2. What is the full Legal Name of the applicant?

SUTTER HOUSE INC.

(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)

3. What is the applicant's mailing address as recognized by the US Postal Service?

Address: <u>14760 MEMORIAL DR.</u>	Suite No./Bldg. No./Mail Code: <u>305</u>	
City: <u>HOUSTON</u>	State: <u>TX</u>	ZIP Code: <u>77079</u>
Country Mailing Information (if outside USA):	Country Code:	Postal Code:
4. Phone No.: <u>(281) 497-4708</u>	Extension:	
5. Fax No.: <u>(281) 497-4999</u>	E-mail Address:	

6. Indicate the type of Customer:

<input type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.	<input type="checkbox"/> Limited Partnership
<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Federal Government	<input type="checkbox"/> General Partnership
<input type="checkbox"/> State Government	<input type="checkbox"/> County Government	<input type="checkbox"/> City Government
<input type="checkbox"/> Other:		

7. Independent Operator: Yes No (If governmental entity, subsidiary, or part of a larger corporation, check "No".)

8. Number of Employees: 0-20; 21-100; 101-250; 251-500; or 501 or higher

9. Customer Business Tax and Filing Numbers (This item is not applicable to Individuals, Government, GP or Sole Proprietor.)

REQUIRED for Corporations and Limited Partnerships 76-0121536

State Franchise/Tax ID Number:	Federal Tax ID: <u>76-0121536</u>
TX SOS Charter (filing) Number:	DUNS Number (if known):

B. APPLICATION CONTACT

If TCEQ needs additional information regarding this application, who should be contacted?

1. Name: <u>MARCELINE SUTTER</u>	Title: <u>OWNER</u>	Company: <u>NOV 15 2006</u>
2. Phone No.: <u>(281) 497-4708</u>	Extension:	
3. Fax No.: <u>(281) 497-4999</u>	E-mail Address: <u>msutter@sbglobal.net</u>	

C. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

1. TCEQ Issued RE Reference Number (RN) (if available):

2. Name of Project or Site (the name as known by the community where this facility/project is located):

SUTTER HOUSE PRINTING

(example: phase and name of subdivision or name of project that's unique to the site)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

11/1

3. Physical Address of Project or Site: (enter in spaces below)			
Street Number: 14760		Street Name: MEMORIAL DR #305	
City: HOUSTON	ZIP Code: 77079	County (Counties if >1): HARRIS	
4. If no physical address (Street Number & Street Name), provide a written location access description to the site: (Ex.: phase 1 of Woodland subdivision located 2 miles west from intersection of Hwy 290 & IH35 accessible on Hwy 290 South)			
5. Latitude: N		Longitude: W	
6. What is the primary business of this entity? In your own words, briefly describe the primary business of the Regulated Entity: (Do not repeat the SIC code.) <i>Printing</i>			
7. What is the mailing address and contact information for the regulated entity?			
Is the RE mailing address the same as the Operator? <input checked="" type="checkbox"/> Yes, the address is same as Operator <input type="checkbox"/> No, provide the address			
Street Number:		Street Name:	
City:	State:	ZIP Code:	
D. GENERAL CHARACTERISTICS			
1. I certify that the project/site is not located on Indian Country Lands? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, you must obtain authorization through EPA, Region VI.			
2. Is this NEC being submitted due to a change in Operator? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. What is the SIC Code that is within the range listed and corresponds with the selected Activity or Sector in the General Permit? Primary SIC Code: 2711 Secondary SIC Code:			
4. What is the Sector that applies to the industrial activity at your facility? (It must correspond with the SIC Code provided above.)			
<input type="checkbox"/> Sector A	<input type="checkbox"/> Sector E	<input type="checkbox"/> Sector I	<input type="checkbox"/> Sector M
<input type="checkbox"/> Sector B	<input type="checkbox"/> Sector F	<input type="checkbox"/> Sector J	<input type="checkbox"/> Sector N
<input type="checkbox"/> Sector C	<input type="checkbox"/> Sector G	<input type="checkbox"/> Sector K	<input type="checkbox"/> Sector O
<input type="checkbox"/> Sector D	<input type="checkbox"/> Sector H	<input type="checkbox"/> Sector L	<input type="checkbox"/> Sector P
<input type="checkbox"/> Sector U	<input type="checkbox"/> Sector Z	<input type="checkbox"/> Sector Q	<input type="checkbox"/> Sector R
		<input checked="" type="checkbox"/> Sector S	<input type="checkbox"/> Sector T
		<input type="checkbox"/> Sector V	<input type="checkbox"/> Sector W
		<input checked="" type="checkbox"/> Sector X	<input type="checkbox"/> Sector Y
			<input type="checkbox"/> Sector AA
			<input type="checkbox"/> Sector AB
			<input type="checkbox"/> Sector AC
			<input type="checkbox"/> Sector AD
5. If applicable, what is the Activity Code that corresponds with the Sector in the General Permit? <input type="checkbox"/> HZ <input type="checkbox"/> LF <input type="checkbox"/> SE <input type="checkbox"/> TW <input type="checkbox"/> AD If Activity Code AD is selected, a copy of the letter from TCEQ requiring coverage under this general permit through this activity code must be included with this Notice of Intent form or coverage may be denied.			
6. No Exposure Checklist Answer each of the following question to determine if your facility is eligible for the No Exposure exclusion. If you answer Yes to any of the following questions, coverage will be denied.			
Are there any industrial materials or activities (including using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain) exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any materials or residuals on the ground or in storm water inlets from spills/leaks exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there materials or products from past industrial activity exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there any material handling equipment (except adequately maintained vehicles) exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any materials or products during loading/unloading or transporting activities that may be exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants) that may be exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers that may be exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any materials or products handled/stored on roads or railways owned or maintained by the operator that may be exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there any waste material (except waste in covered, non-leaking containers [e.g., dumpsters]) that may be exposed to storm water?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any activities that include application or disposal of process wastewater that are not otherwise permitted?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there any particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water discharge?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

E. CERTIFICATION

Check "Yes" to the certifications below. Failure to indicate "Yes" to ALL items may result in denial of coverage under the general permit.

I certify that I have obtained a copy and understand the terms and conditions of the general permit TX050000.

I certify that the activities at this site qualify for coverage under the general permit TX050000.

I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.

Yes
 Yes
 Yes

Operator Certification:

I, MARCELINE SUTTER

Typed or printed name

OWNER

Title

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: Marceline M Sutter
(Use blue ink)

Date: 11/14/06

*Chief Clerk,
I sent this TCEQ
complaint into the state
website and was told to
mail it hard-copy. So here
it is again.
DR. Calvin*

*46 Hope Farm Rd./Missouri City, TX
77459*

From: WWW - OPA [OPA@tceq.state.tx.us]
To: Calvin, Chris D.
Cc: WWW - COMPLAINT
Subject: Re: Fwd: Environmental complaint in Region 12
Attachments:

Sent: Mon 11/13/2006 1:51 PM

[View As Web Page](#)

Mr. Calvin,

The Office of Public Assistance (OPA) is responsible for responding to the public on pending permitting actions therefore your email has been forwarded to OPA for a response.

Commission rule and policy state that comments on a pending application must be received in writing. Comments are formal documents and the authenticity of the documents are better assured when the documents are not sent electronically. You may send your written comments to the following address:

Office of the Chief Clerk MC-105
TCEQ
PO Box 13087
Austin, TX 78711

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
NOV 13 20 11 3-10
CHIEF CLERKS OFFICE

These comments may also be faxed directly to the Chief Clerk at 512/239-3311 but must be followed up with a hard copy in the mail within three days.

If you have any further questions, please contact OPA via email or at 800/687-4040.

Sincerely,

The Office of Public Assistance

RECEIVED
NOV 15 2006

BY:

>>> WWW - COMPLAINT 11/13/2006 2:00 PM >>>

I think this is a permit protest, rather than an environmental complaint.

+++++

>>> <ccalvin@regis.edu> 11/11/2006 4:46 PM >>>

Date/Time Reported: November 11, 2006 04:46 PM

Date Observed: November 11, 2006

Approximate Time Observed: 9:30

Location of Problem: 2200 FM 521

Nearest City Or Town: Fresno/Missouri City

County of Problem: Fort Bend

Source of Problem: Ground water contamination

Description of Problem: I live in Sienna Plantation and we received a notice of ground water contamination from the TCEQ through our MUD in July of this year. We live a few miles from the Blue Ridge Landfill (BFI) and it is currently seeking permission from the state to double its size. Our concern is that if the TCEQ allows this we will be facing more ground water contamination warnings and health risk factors with our kids in this area. Our state representative is trying to help stop this expansion in a county that ranks in the top 6 for numbers of landfills. If this proposal is allowed to go through then it will harm the quality of life, land values and air quality in our area. My wife was driving to work about 3 weeks ago and the smell was so bad she had to pull her car over on hwy 521 and puke.

Please do not expand this facility in an area that is experiencing tremendous growth. It will hurt our health, home values and economic future!

Please listen!

Complainant Name: Chris Calvin, Ph.D.

Complainant Mailing Address: 46 Hope Farm Rd., Missouri City, Texas 77459

Complainant Phone Number: 2817786406

Complainant E-Mail: ccalvin@regis.edu

BY *[Signature]*
NOV 21 2006
OPA

1620-1111

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

KLW 2160 CHAMAZON

P.O. Box 13087

1122 Ave. E

Austin Tx 78711

Fresno Tx 77545

2006 AUG -4 PM 2:41

281-431-6734

TECEQ PERMITS OFFICE

RECEIVED

OPA

NO. MSW-1505A

H AUG 07 2006

JUL 31 2006

BY DL

MSW/500/11

WASTE PERMITS DIVISION
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
LLH

Submitted by District 27 STATE Rep. Dora Olivo to oppose, We request case public hearing on TCEQ MSW-1505A to oppose permit renewal. WE Fresno residents in the same Houston ETJ are, zoned in Pearland City ETJ also and zone in Fort Bend Fresh Water Supply District #1 that Blue Ridge Landfill is ~~part~~ also fully zone in the water district address of landfill 2200 F.M. 521 Fresno. Tex. 77545. We the public stand and working with the Army Corp of Engineers Section 404 that proves the landfills permit time is to expire in 2007 after given five years in 2002, because in danger to American waters and public private water wells of Fresno's Six Thousand Acre community already fully divided and with family homes. Landfill has and produces also a health smell problems to surround mud districts around landfill also jesta cross F.M. 521 in the City of Pearland and Future TEXDOT road Plans like Expansion of FM 518 into Fort Bend Parkway Toll Road

NO resp. SPO
 DUE DATE 8-30-06
 WWCH 11430606
 PM S. Odil

THANK YOU
 Roberto Carro

Page
1 of 2

Ms. La Donna Castañuela
TCER (Chief Clerk MC-125)
P.O. Box 13087
Austin, TX 78711-3087

RODRIGO CARREON
12 Avenue C
FRESNO TX. 77545
281-431-6734

March 29, 2007
OPA

~~MSW~~
5/16/07

CHIEF CLERK'S OFFICE

MSW Permit # 1505A H APR 03, 2007
Blue Ridge Landfill TX, BY L.P.M.

Hi; Ms. La Donna Castañuela (Chief Clerk)

I (RODRIGO CARREON) request a contested case hearing to oppose future Expand of Blue Ridge Landfill MSW Permit #1505A located 2200 FM 521 Fresno Tx 77545. that only five blocks of future (facilit) water plant-site on the east side of same road FM 521, both facilities of Fort Bend Fresh Water Supply District #1 are in the Fresno Sub-divide residential community to be fully developed within the next two years, after groundbreaking was made by the water board and Fort Bend County Commissioners. on March 23, 2007 groundbreaking for safe drink water to be looked for, took place and will start April 1st 2007. Information can be view on Web-site www.fortbendnow.com and Houston Chronicle Ad (Fort Bend This Week) www.chronicle.com title Freshwater project for Fresno area takes shape Fresno groundwater are polluted and water contamination will increase, if

7
11

permit 1505A is renewed. Fresno community is a fully divided residential area to be developed with grandfather codes for small lots presently seen on county appraisal maps for more private water wells w/ septic tanks protected under TCEQ chapter 285. All small lots are located on the south side of landfill boundary and east of F.M. 521. Flaw written permit contracts affecting Federal waters North and South of Blue Ridge landfill increase water contamination by facts proven during Meeting Summary of Clear Creek Bacteria TMDL Public Meeting held September 21, 2006 on a 6 page Agend minutes. Support Team Present: Carl Masterson (H-GAC); Mary Jane Naquin; Hanadi Rifai (UH); Ron Stein (TCEQ); Monica Suarez (Parsons) Tea Wright (H-GAC)

Web; www.tceq.state.tx.us/assets/public/implementation/water/68ccbact/68-cc09-21-06sum.pdf.

All storm rain water is pumped by the landfill into Clear Creek Bayou thence in residential community like Shallow Creek Ranch in Pearland and future FBISD elementary school site on place pollute bacteria water in residential site need to end.

Thank You Rodrigo Carrero

1000 L...
P.O. Box 13087
Austin, TX 78711-3087

1122 Avenue C
Fresno TX 77545
281-431-6734
December 11, 2006

MSW
51835

Municipal Solid Waste (Blue Ridge Landfill)
AMENDMENT NO. 1505A

OPA
DEC 15 2006
BY: Jr

TO: CHIEF CLERK (TCEQ) (MC-105),

Please help Rodrigo Carreon and public improve our environment by opposing Municipal Solid Waste Permit Amendment No. 1505A for Blue Ridge Landfill TX, LP, 2200 FM 521 Fresno TX, 77545 OR calling a contested case hearing, if needed.

We Fresno resident; live on ground water daily if not contaminated. I fear my water wells ground water to become polluted and contaminated just as my neighbor is contaminated and yellow water, from his water well Fort Bend Fresh Water Supply District #1 is the residential area and industrial area, where I live and landfill is zone into. Facts Missing on Permit No. 1505A, thence incomplete contra

OPPOSE Permit # 1505A reason, of expired and dated August 20, 2006 by Federal Army Corp of Engineers, to protect. American Waters, like Mustang Bayou just on the south of and Clear Creek Bayou then is to be the landfills drainage bayou for rain water floods known as one of Houston Area Watersheds with Elevated Bacteria Bayous. Bacteria contaminating American Waters (Bayous) can also pollute private water wells, like Mine. Health problems come from contaminated Air Smells I breath in Area. The Texas Commission on Environment Quality (TCEQ) and Houston Galveston Area Council (H-GAC) are conducting studies (Clear Creek Bayou) to determine bacteria problem in Houston

THANK YOU
Rodrigo Carreon

TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY
DEC 11 2006
CHIEF CLERK

Here formal oral comment (6)

TCEQ Public Meeting Form

Thursday, December 7, 2006

Blue Ridge Landfill Tx, L.P. Proposed Municipal Solid Waste No. 1505A

0350
11/27/06
11:30 AM
TCEQ

PLEASE PRINT:

Name: RODRIGO CARREON

Address: 1122 Ave. C

City/State: FRESNO Zip: 97545

Phone: 286 431-6734

Please add me to the mailing list.

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

If yes, which one? Already Present

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

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

Give formal oral comment



TCEQ Public Meeting Form

Thursday, July 6, 2006

Blue Ridge Landfill Tx, L.P.
Proposed Municipal Solid Waste
No. 1505A

CHIEF CLERK'S OFFICE

JUL 6 - 7 PM 3:59

ON EN... TEXAS

PLEASE PRINT:

Name: RODRIGO CARRERON

Address: 1122 Ave. C

City/State: Fresno Texas Zip: 77545

Phone: (281) 431-6734

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.

X

Contested Case Hearing

Brian Allen Childs
11712 Sterling Brook
Pearland, TX. 77584
(713) 704-2352

OPA

H APR 11 2007
BY AL

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR 11 AM 10:16

CHIEF CLERKS OFFICE

MSW
8/835

Applicant's Name: Brian Allen Childs
Permit Number: 1505A

I am requesting on the Blue Ridge Landfill TX, LP, a contested case hearing. I am contesting this landfill, because I feel that it would be detrimental to my family's health. My wife, Holly Childs, had cancer 6 years ago (Hodgkin's lymphoma) and I feel this landfill will emit pollutants and other hazardous waste into the air near our home. We live within 10 miles of the proposed landfill. This landfill could also be detrimental to the health of the families that live around my address. This landfill will leave many people at risk of developing certain illnesses.

Sincerely,

Brian Allen Childs

Brian Allen Childs

MSW
51835

ARTHUR L. CRUMPTON JR.
ATTORNEY AT LAW

RFL OPA
H 11/16/07 2007
BY KY

2017 Mountain Creek Street
Pearland, Texas 77584

Phone (713)436-2635

March 30, 2007

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

CHIEF CLERKS OFFICE
MAY 2 11 10 AM '07
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Request for a Contested Case Hearing/Request Reconsideration of the Executive Director's Decision involving the application by BLUE RIDGE LANDFILL TX, LP for TCEQ MSW PERMIT No. 1505A

Dear Commission Members:

As an affected person who lives in Shadow Creek Ranch , I request that the TCEQ Executive Director not issue the permit to Blue Ridge Landfill TX, LP located at 2200 FM 521, Fresno, TX. The permit would authorize a vertical and horizontal expansion of the existing Type I municipal solid waste landfill facility.

Pursuant to the Chief Clerk's letter regarding personal information, the following is submitted:

NAME: Arthur L. Crumpton Jr.
ADDRESS: 2017 Mountain Creek Street, Pearland, Texas 77584.
PHONE NO. Daytime (713) 436-2635

The request for a contested case hearing is based on the following information:

I would be adversely affected by the proposed facility because the use of the proposed expansion of the MSW site would adversely impact human health and the environment. The primary character of most of the land surrounding the landfill located at 2200 FM 521, Fresno, TX, is residential. As noted in the Executive Director's response to public comment, the Shadow Creek Ranch community is within one mile of Blue Ridge Landfill TX and the growth trends of Shadow Creek Ranch is towards the existing facility. However, an elementary school in Shadow Creek Ranch (Ft Bend County) is being planned. Therefore, the impact of the proposed expansion of the landfill

PAGE 2, Contested Hearing Request/Reconsideration of Decision
Crumpton, Arthur
March 30, 2007

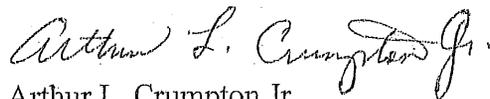
on Shadow Creek Ranch and individual residential property owners must be considered. See Rule section 330.53(b)(8). In the same vein, because of recent rapid development of Shadow Creek Ranch towards the landfill, growth trends and directions of major development must also be reconsidered.

The request for reconsideration of the Executive Director's Decision is based on the following:

The Executive Director should reconsider its Response 10 regarding receiving no information that shows that the proposed facility presents a threat to human health or the environment. Scores of individuals and groups have indicated that the landfill will have adverse health effects on the surrounding community.

If you have any questions about information described in this letter, please contact me at my residential address.

Sincerely,



Arthur L. Crumpton Jr.
State Bar No. 05186700

CERTIFICATE OF SERVICE

I certify that on March 31, 2007 a copy of the Request for a Contested Hearing/Request Reconsideration of the Executive Director's Decision involving the application by BLUE RIDGE LANDFILL TX,LP for TCEQ MSW PERMIT No. 1505A was mailed to D.A. Chris Ekoh, Staff Attorney, Environmental Law Division, P.O. Box 13087, Austin, Texas 78711-3087.

Arthur L. Crumpton Jr.

ARTHUR L. CRUMPTON JR

State Bar No. 05186700

MSW
51835

ARTHUR L. CRUMPTON JR.
ATTORNEY AT LAW

H
RFR
BY NY
OPA

2017 Mountain Creek Street
Pearland, Texas 77584

Phone (713)436-2635

March 30, 2007

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
MAY -3 PM 2:22
CHIEF CLERKS OFFICE

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County) is being planned. Therefore, the impact of the proposed expansion of the landfill

PAGE 2, Contested Hearing Request/Reconsideration of Decision
Crumpton, Arthur
March 30, 2007

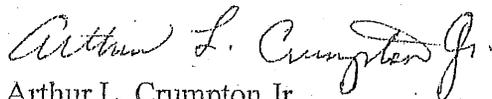
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If you have any questions about information described in this letter, please contact me at my residential address.

Sincerely,



Arthur L. Crumpton Jr.
State Bar No. 05186700

CERTIFICATE OF SERVICE

I certify that on March 31, 2007 a copy of the Request for a Contested Hearing/Request Reconsideration of the Executive Director's Decision involving the application by BLUE RIDGE LANDFILL TX,LP for TCEQ MSW PERMIT No. 1505A was mailed to D.A. Chris Ekoh, Staff Attorney, Environmental Law Division, P.O. Box 13087, Austin, Texas 78711-3087.

Arthur L. Crumpton Jr
ARTHUR L. CRUMPTON JR
State Bar No. 05186700



ADA EDWARDS

Houston City Council Member, District D

"Partnership Of Service"

COMMITTEES

Chair, Flooding & Drainage

Fiscal Affairs & Management

Chair Neighborhood, Housing & Redevelopment

Chair of the State of Emergency HIV/AIDS Task Force

Council Governance M/WBE Small Contractor Development and Contract Compliance

Environment and Public Health

Public Safety & Homeland Security Ethics

December 7, 2006

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

Via Facsimile (512)-239-3311

Re: Blue Ridge Landfill TX, LP
Municipal Solid Waste Permit #1505A
Comments
Request for Contested Case Hearing

OPA RECEIVED

DEC 07 2006

AT PUBLIC MEETING

Thank you for the opportunity to submit comments on the Allied Waste Management dba Blue Ridge Type I Landfill Expansion Proposed Permit #1505A. I became aware of the proposed permit by The Green Valley Estates Civic Club and The South Houston Concerned Citizens Coalition (SHCCC or Coalition and by Houston Fort Bend Super Neighborhood 41).

Pursuant to the community meeting held on November 9, 2006, our District office presents the following comments and concerns:

1. Environmental and Health Problems
2. Air and Noise Pollution
3. Toxic Waste
4. Leachate Collection System (Can clog up in less than a decade).
5. Water Source/Ground Water Contamination
6. Rain Water, (What happens in the event of heavy rains?)
7. Drainage concerns/the possibility of potential flooding
8. Increased number of trucks and traffic in the area
9. Term request for this permit is 40 years, (Who will monitor and care for it after the term expires?)
10. The max height is currently 58 feet, this expansion will allow for it to be 170 feet over a forty-year period (This would make it the tallest architectural structure in the county). This landfill is proposed to be five times higher than the normal height for landfills.

CITY HALL ANNEX 900 BAGBY, 1ST FLOOR
PHONE 713-247-2001

P.O. BOX 1562 HOUSTON TX 77251-1562
FAX 713-247-2196

DISTRICTD@CITYOFHOUSTON.NET
WWW.CITYOFHOUSTON.GOV

According to the Blue Ridge Landfill TX LP, the Landfill will be lined with plastic and clay liners. After careful research on this subject, we have found that clay and plastic liners tend to deteriorate over a period of time. Clay liners fracture and crack, diffusion will move organic chemicals like benzene through a three-foot thick clay landfill liner in approximately five years. Some chemicals can degrade and deteriorate clay liners. Plastic Liners High Density Polyethylene (HDPE) can be degraded by a number of household chemicals, permeating it (passing through it), making it lose its strength, softening it, or making it become brittle and crack. Not only will household chemicals cause it to develop stress cracks, everyday items such as: margarine, vinegar, ethyl alcohol, shoe polish, peppermint oil and others (just to name a few), can cause deterioration as well.

Note: This MSW Type I Landfill will be able to accept household waste, commercial waste, yard waste, asbestos, medical waste, and hazardous waste.

This causes the community great concern because twenty-three Houston neighborhoods that represent more than 32,000 people will be negatively affected if this major landfill expansion permit is granted. There are at least 10,000 citizens of Houston, Fort Bend who live within one mile of the proposed site with about 6,000 living within one-half mile.

These concerns are important points which should be considered by the TCEQ and which should **result in denying this permit.**

Because of the importance of these issues, our office recommends several public meetings be held to discuss the ongoing concerns of this proposed landfill expansion permit request. If these matters cannot be resolved at the public meetings then a contested case hearing should be held.

Sincerely,



Ada Edwards
Houston City Council Member
District D

cc: Kathleen Hartnett White, Chairman, Texas Commission on Environmental Quality Glenn Shankle, Executive
Director, Texas Commission on Environmental Quality
Larry R. Soward, Commissioner, Texas Commission on Environmental Quality
Martin Hubert, Commissioner, Texas Commission on Environmental Quality (TCEQ)
Jodena N. Henneke, TCEQ, Office of Public Assistance
Richard Carmichael, TCEQ, Permits Division
Jeff Holderread, TCEQ, Permits Division
Eric Beller, TCEQ, Permits Division
Cheryl Mergo, Houston Galveston Area Council
Bill White, Mayor of Houston
Paulette S. Wolfson, City of Houston Legal Department, Special Counsel-Air
B. Z. Karachiwala, Director, Harris County Environmental Public Health Division
Vivian Harris, President, South Houston Concerned Citizens Coalition
Snehal Patel, Harris County Attorney's Office.
James B. Blackburn, Jr., Blackburn Carter, P.C.
Mary Taylor Ross, President, Super Neighborhood 41

Here for real oral comment (7)
Submitted Written
Comments

TCEQ Public Meeting Form

Thursday, December 7, 2006

Blue Ridge Landfill Tx, L.P. H
Proposed Municipal Solid Waste
No. 1505A

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
CHIEF CLERK
12/11/06

PLEASE PRINT:

→ submitted
HR on behalf
of Ade Edwards

Name: Nzinga Rideaux / City of Houston District D. Council Member ADA Edwards Office

Address: 900 Bagby St. 1st floor City Hall Annex

City/State: Houston Tx Zip: 77002

Phone: (713) 247-2001

Please add me to the mailing list.

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

If yes, which one? City of Houston

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

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

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

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

3

MSW
51835

LOWERRE & FREDERICK

ATTORNEYS AT LAW
44 East Avenue, Suite 100
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

April 13, 2007

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

OPA *H*

APR 16 2007

BY *[Signature]*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 APR 13 PM 1:28
CHIEF CLERKS OFFICE

Re: Application of Blue Ridge Landfill, TX, LP, for MSW Permit No. 1505A

Dear Ms. Castañuela:

KTRK Television, Inc., Fox Television Stations, Inc., on behalf of its television station KRIV, and KHOU-TV, L. P. ("Requesters") ask that TCEQ grant their requests for a contested case hearing on the above-referenced application on the issues identified below. Requesters own lands in close proximity to the referenced landfill and would be adversely affected by the proposed amendment, if approved by TCEQ.

Please use the name, address, and phone and fax numbers of counsel below for purposes of notices to or other communications with the Requesters.

The Interests of Requesters.

The Walt Disney Company is the ultimate parent company of KTRK Television, Inc., an ABC owned and affiliated station, which owns several properties near the Blue Ridge Landfill. One of KTRK's properties is comprised of approximately 160 acres and is adjacent to the landfill.¹ KTRK also owns other nearby properties and operates three towers approximately two miles from the landfill. On one such property, KTRK owns and operates a Doppler radar tower. This tower is located at latitude 29 34 24.8 N, and longitude 095 28 30.8 W. The location is shown on the map provided as Attachment 1 to this hearing request. The tower is approximately 60 feet above ground surface and was constructed in the late 1990s.

KRIV also operates a Doppler radar tower near the landfill site, the location of which is shown on Attachment 1 where the map shows KRIV towers. That radar tower is located 2 to 3 miles

¹ As a result of ownership of this property, KTRK received mailed notice of prior applications for amendments or modifications to the Blue Ridge Landfill, but it has no indication that it received any notice of the application that is subject to this hearing request.

from the landfill, at latitude 29 34 25.8 N, and longitude 95 29 18.8 W. The tower is approximately 110 feet high above ground level and was constructed in July 2006.

KHOU-TV, L.P. is a partnership, whose two partners are companies owned by Belo Corp. The property at risk, including the land, the Doppler radar tower is owned by KHOU-TV. The approximate location of the KHOU Doppler radar tower is also shown on Attachment 1. The street address is 3111 Senior Rd in Missouri City. The coordinates are Lat (NAD83) 29 33 40.8 N and Long (NAD83) 095 29 55.8 W. This tower is also located within 3 miles of the landfill and to the west-northwest. The tower is approximately 73 feet high above the ground.

The locations for the Doppler radar towers were chosen, in part, because of their proximity to the Gulf of Mexico and the Houston - Galveston television markets. They were also chosen because the locations allow the television stations to operate their respective radar in all directions without significant obstruction. The radar towers track storms, including hurricanes, and allow Requesters to give advanced warning of adverse weather conditions.

Additional information on the Requesters and their properties, along with an explanation of the potential effects of the expansion are provided in the affidavits provided as Attachments 2 & 3.

The Major Effects of the Proposed Landfill Expansion.

The proposal to construct the landfill to a height of 170 feet (235 ft AMSL) conflicts with the use of all three radar towers. The landfill, if so constructed, would block the radar signals to much of the southeast and preclude the collection of weather information, such as the location, speed and direction of movement of hurricanes in parts of the Gulf of Mexico. The expanded landfill would also prevent the tracking of tornados and other storms to the southeast.

Given the reliance of the public and local governments on such tracking by Requesters to assist with emergency preparedness and response, the proposed expansion would create serious risks to the public safety and welfare. The construction of the landfills could even require Requesters to abandon the locations for the Doppler radar or make other changes at great costs to Requesters.

The Disputed Issues for Referral to SOAH.

It should be noted that no Requester received notice of the application for the amendment by mail or from Blue Ridge prior to the filing or to date. None of the Requesters was aware of the application until very recently. KHOU and KRIV learned of the application within the last ten to fourteen days. KTRK learned of the proposal only a week or two before that. Thus, no Requester filed comments. They rely upon the comments filed by others.²

² Requesters note that, under Texas law, the filing of public comments is not a prerequisite to the filing or granting of a hearing request, as the Commission has repeatedly found and as noted in the preamble to the rules implementing House Bill 801. See 24 Tex. Reg. 9027-9028 (October 15, 1999). For example, a hearing request was granted to Apolinio and Donna Mendoza in TCEQ Docket No. 2005-1889-AIR even though they had filed no comments on the application.

Requesters respectfully disagree with the agency's preliminary decision to recommend issuance of the proposed amended permit. They likewise respectfully disagree and dispute many of the conclusions in the Response to Comments (RTC).

All Requesters seek a hearing on two sets of issues raised during the public comment period, those related to land use compatibility and those related to the risks to public safety, health and welfare due to the decreased opportunity for public awareness and emergency response during certain hurricane and other serious weather conditions. Because KTRK owns 160 acres of land next to the landfill, which it currently leases, it also seeks a hearing on almost all of the other issues raised, with the exceptions of the issues raised in comments and characterized in RTC Comments 14, 15, 22, 26, 32, 34 – 38, and 40. The other Requesters join in support of the request on the additional issues raised by KTRK as all three stations intend to work together on these matters.

Land Use Compatibility: The issue of land use compatibility is a key issue for all Requesters. This issue was raised in numerous comments. The construction the landfill to a height of 170 feet would not be compatible with the surrounding uses of the land, including the uses by Requesters. The area has, for example, important characteristics for the placement of Doppler radar towers, as explained above and in the attached affidavits. TCEQ has the authority to consider the compatibility of the proposed landfill expansion with existing uses.³ TCEQ has the authority to limit the height of the proposed landfill expansion to avoid incompatible land uses, as well as to protect the public safety and welfare. Thus, the land use compatibility issue is one that is appropriate for referral to the State Office of Administrative Hearings (SOAH) and the hearing process.

The land use compatibility issue should be referred without restriction, given the extensive number and range of related comments. For example, State Representative Dora Olivo noted that the proposed landfill would not be compatible with surrounding land uses and would interfere with the use and enjoyment of surrounding lands and homes.⁴

The comments of Brian Long raised the issue of compatibility with the Doppler radar towers and the related impact of loss of emergency notification that the towers provide. See RTC Comment 31. Mr. Long commented at TCEQ's public meeting:

If you walk out of the school tonight, look across the street; there are about twenty flashing towers, most of them are ... about 170 feet or so ... I know for a fact that KHOU's Doppler radar is right out there. I want to know from TCEQ what kind of impact a trash pile 170 feet tall would have on Doppler radar, especially since that Doppler radar points at the Gulf and if something were to happen with a hurricane or

³ Texas law provides, for example, "The commission may, for good cause, deny or amend a permit it issues or has authority to issue for reasons pertaining to land use...." TEX. WATER CODE §361.089.

⁴ Comments filed by Dora Olivo, dated December 10, 2006.

something how would that come in and affect that. Also have notifications of all the owners of the transmission towers been sent?⁵

The RTC did not characterize these comments as raising land use compatibility or public safety issues; although raising those issues appears to have been Mr. Long's goal. In any case, his comments do properly raise these issues for the hearing process. The Executive Director may not have understood Mr. Long's comments,⁶ but it is the comments, not the characterization in the RTC, that should determine the issues referred to SOAH.

Requesters understand that TCEQ has limited resources and must depend upon applicants to provide the agency the information needed to determine who may be affected and the potential impacts. Here, the applicant apparently did not provide the agency with such information, including information on the existence of radar towers, the effects of the height increase on the towers and the resulting risks to public safety and health from the loss of the use of the towers. Thus, the Executive Director did not have some of the basic facts the agency needed. Requesters can provide those facts, and they seek a hearing to assure that they can do so and assist the Commission with its decision here.

Many other public comments raise land use compatibility issues.⁷ The RTC often characterizes the comments under other issues. The comments that are summarized under the following sections of the RTC, however, all raise aspects of the land use compatibility issues: Comments 1, 2, 3, 4, 5, 7, 8, 16, 17, 18, 19, 30 and 31. Again, Requesters urge the Commission to refer all aspects of the land use issues to SOAH, including those aspects of the public comments summarized in the RTC Comments sections listed above that relate to land use compatibility.

Public Safety, Health and Welfare: All Requesters also seek referral of the disputed issues raised in public comments and characterized in the RTC at Comments 3-6 and 10, 11, 12, 16, 17, 18, 20, 23, 27, 29, and 31 to the extent they raise the wide range of public safety, health and welfare issues that relate to proper emergency planning and notification that would be limited by reduction in the use of the Doppler radar towers and to the extent they can be considered under Texas law⁸ and TCEQ rules.⁹

⁵ This is an excerpt from an unofficial transcript of part of the TCEQ public meeting on December 7, 2006 from a compact disc provided by TCEQ. Although the CD is not always clear, the transcript is Requesters' best effort to provide the actual comments.

⁶ The Executive Director responded to the land use comment with the following: "MSW rules do not address the effects the landfill will have on Doppler or other radar facilities and do not require coordination or approval from their operators...."

⁷ TCEQ rules provide:

§330.53(a)(1): Part II of the application shall describe the existing conditions and characteristics of the site and surrounding area...[and] information relating to land use compatibility.... Emphasis added.

Note, the citations to the Chapter 330 rules in this letter reference to applicable rules, i.e. in effect when the application was filed and that apply to the application, not necessarily the current rules.

⁸ Section §361.002, Tex. Water Code, states: "It is this state's policy and the purposes of this chapter to safeguard the health, welfare and physical property of the people and to protect the environment by controlling the management of solid waste...." Emphasis added.

Impacts on Nearby Properties: Requester KTRK also urges the Commission to refer the disputed issues that affect their property that is adjacent to the landfill. Those issues include protection of the quality of surface and ground waters, the natural resources, and the existing drainage patterns. Likewise, the issues of design and operations should be referred if they could affect KTRK's property. Such issues include the design of the landfill and liners; the existence of faults, fractures, wetlands, or other such site conditions; the applicant's compliance history; and the creation of nuisance conditions¹⁰ at or near the landfill. Thus, referral of the issues raised in comments characterized as RTC Comments 1-9, 11-13, 16 - 21, 23 - 25, 27, 29, and 33 is also requested. Requesters, KRIV and KHOU support and join KTRK in requesting that these issues be referred.

Public Interests, Hearing Schedule and Options.

Given the complexity, the extensive public comments and the large number of potential parties, Requesters urge referral to SOAH for a hearing period of 12 months. Before the hearing begins, time should be allotted for efforts to find solutions to the disputes.

Requesters are very willing to discuss options for resolving their concerns with the Commission staff, OPIC and the applicant. As noted in Attachment 2, KTRK has, for example, recently sold

⁹ See for example, 30 T.A.C. § 330.5(a), which provides:

[A] person may not cause, suffer, allow, or permit the collection, storage, transportation, processing, or disposal of municipal solid waste... in such a manner so as to cause ... (3) the endangerment of the human health and welfare or the environment."

Likewise TCEQ rules at 30 T.A.C. §330.51 state:

(b) Required information. The information required by this subchapter defines the basic elements for an application.

(1) All aspects of the application and design requirements must be addressed by the applicant...

(2) It is the responsibility of the applicant to provide [TCEQ] data of sufficient completeness, accuracy and clarity to provide assurance that operation of the site will pose no reasonable probability of adverse effects on health, welfare, environment or physical property of nearby residents or property owners...

(3) The applicant is responsible for determining and reporting to [TCE] any site-specific conditions that require special design considerations. (Emphasis added.)

TCEQ rules also provide:

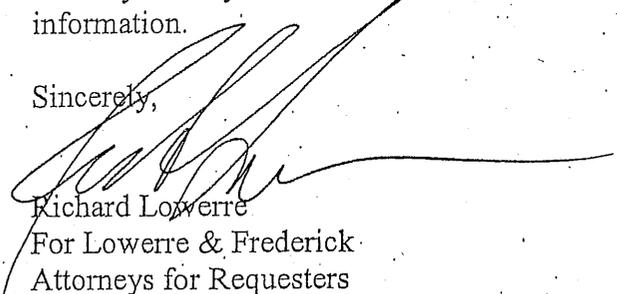
Applicants shall consider criteria that in the selection of a site and design of a facility will provide for the safeguarding of the health, welfare and physical property of people and the environment through consideration of geology...land use... and other considerations as the specific site dictates. (30 TAC §330.54(4), emphasis added.)

¹⁰ [A] person may not cause, suffer, allow, or permit the collection, storage, transportation, processing, or disposal of municipal solid waste... in such a manner so as to cause... (2) the creation and maintenance of a nuisance30 T.A.C. § 330.5.

land to the applicant to assist it with its land filling operations. As part of that sale, KTRK agreed not to oppose certain aspects of an expansion of the landfill. While that agreement does not affect KTRK's participation on this particular application to expand, KTRK continues to desire to work with the applicant and with everyone else in the community to find reasonable solutions. All Requesters are open to such discussions.

Thank you for your attention to this matter. Please let me know if you need any additional information.

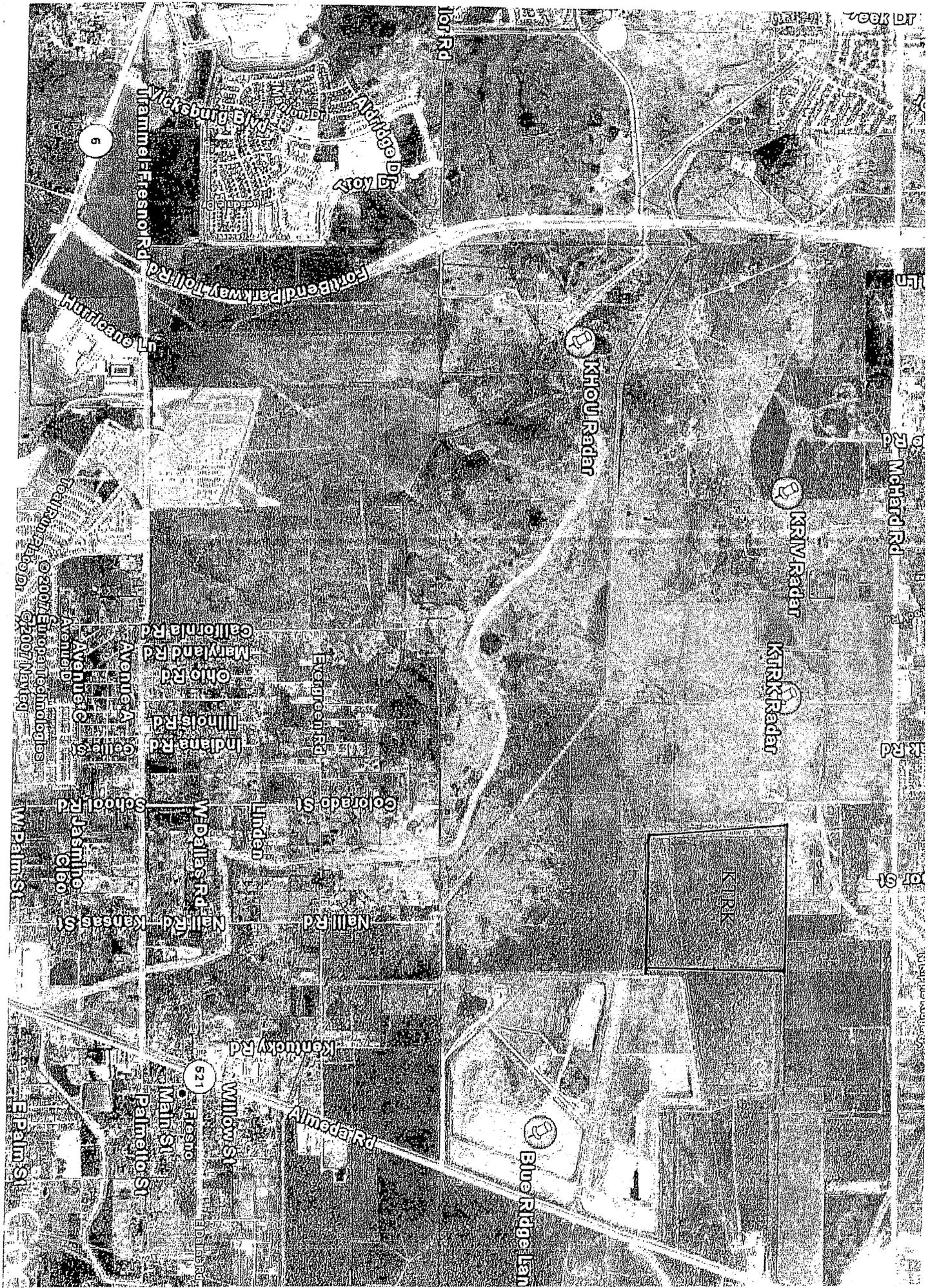
Sincerely,



Richard Lowerre
For Lowerre & Frederick
Attorneys for Requesters

Copy to: D. A. Chris Ekoh, Staff Attorney, TCEQ
Mary Alice Boehm-McKaughan OPIC, TCEQ
Paul Gosselink, Lloyd, Gosselink, for Applicant

ATTACHMENT 1



ATTACHMENT 2

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned notary public, on this day personally appeared April 12, 2007, who being by me duly sworn, on his/her oath stated that he/she has read the following Affidavit, and it is true and correct, and that every statement contained herein is within his/her personal knowledge.

1. **Affiant:** My name is Charles A. Primrose. I am the employed by KTRK Television, Inc. as Vice President, Director of Engineering. I am over the age of 21 and I am competent to give this affidavit. I have personal knowledge of all the facts in this affidavit and all the facts in the affidavit are true and correct.

2. Location of Properties:

a. KTRK Television, Inc. (formerly known as WXYZ, Inc.) ("KTRK") is the owner of certain real property consisting of 160.04 acres within the Thomas W. Thompson Survey Abstract 335, off FM 2234 in Fort Bend County, Texas (the "Adjacent Property"). This tract is directly adjacent to the Blue Ridge Landfill and is licensed to a third party for grazing activity. The land was originally purchased for the purpose of constructing a television antenna tower and transmitter building. KTRK later decided to construct a television antenna tower and transmitter building on the Teletower Property (described below). This tract of land is currently being held for its original purpose if the need arises. In March of 2006, KTRK sold a sliver of land consisting of approximately 1.74 acres (and bordering Blue Ridge Landfill) to Blue Ridge Landfill, TX, L.P. KTRK retained air rights (with no right of access) above 20 feet above ground level. KTRK also agreed not to oppose the use of the sliver of land as landfill.

b. KTRK is also the owner of certain real property, referred to as the auxiliary transmitter site, consisting of 29.339 acres within the Thomas Hobermacher Survey Abstract 191, Fort Bend County, Texas (the "Auxiliary Site"). This tract of land is used primarily for KTRK's auxiliary (back-up) television antenna tower and transmitter building. In addition, KTRK currently operates a Doppler radar tower and antenna on this site at latitude 29 34 24.8 north, longitude 095 28 30.8 west, approximately two miles north-northwest of the planned facility expansion. The Doppler radar tower and antenna is 60 feet above ground level.

c. KTRK is an equal partner with KRIV-TV in a partnership called Teletower. This partnership is the owner of certain real property approximately two miles north-northwest of the

planned facility expansion, consisting of 587.84 acres within the Thomas Hobermacher Survey Abstract 191 and the West & Schencks Subdivision, Fort Bend County, Texas (the "Teletower Property"). KTRK-TV and KRIV-TV each have a television antenna tower and transmitter building on this property. KRIV-TV also has a Doppler radar tower and antenna on the Teletower Property.

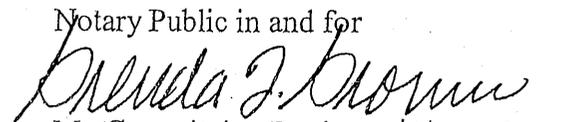
3. Use, Operation, and Potential Effect on Properties: The Doppler radar on the Auxiliary Property is used for weather observation and detection, and is a chief source of information about imminent and threatening storms for the Houston television market (including the city of Galveston). If Blue Ridge Landfill TX, L.P. is granted a permit and authorization to expand its landfill vertically, as proposed, KTRK's Doppler radar coverage would be rendered completely ineffective with respect to weather patterns and storms (including hurricanes) advancing from certain areas of the Galveston area and the Gulf of Mexico. Consequently, the safety of the entire Houston television market (including the city of Galveston) would be jeopardized. The Doppler radar tower and antenna is 60 feet above ground level. In order to raise the height of the tower above the final elevation of the proposed vertical expansion, a new tower would have to be erected with appropriate wind loading (i.e., the tower would have to withstand wind and storms, including hurricanes). In addition, any height above 200 feet must have approval from the Federal Aviation Administration (FAA).

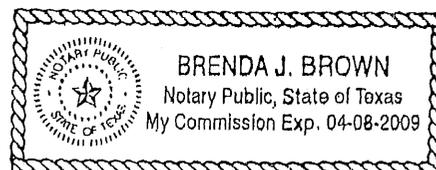
4. History of Towers: KTRK has been operating a Doppler radar site at the Auxiliary Property since 1999, and has recently installed a new radar tower and antenna. The Doppler radar was originally constructed on the auxiliary site for two primary reasons: (1) KTRK already owned the land and it was in close proximity to our main and auxiliary television antenna tower and transmitter buildings which would make oversight and maintenance significantly easier; and (2) the location was far from buildings and structures on surrounding and nearby land that could interfere with the Doppler radar signal.

Further the Affiant sayeth not.


Affiant

Subscribed and sworn to before me the undersigned notary public on this the 12 day of April, 2007 to certify which witness my hand and official seal of acknowledgment.

Notary Public in and for

My Commission Expires: 04-08-2009



ATTACHMENT 3

AFFIDAVIT OF ROBERT BYRNE

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned notary public, on this day personally appeared Robert Byrne who being by me duly sworn, on his oath stated that he has read the following Affidavit, and it is true and correct, and that every statement contained herein is within his personal knowledge.

1. **Affiant:** My name is Robert Byrne I am the Director of Engineering for KRIV/KTXH-TV/DT. I am over the age of 21 and I am competent to give this affidavit. I have personal knowledge of all the facts in this affidavit and all the facts in the affidavit are true and correct.

2. **KRIV's Properties:**

a. KRIV is an equal partner with KTRK-TV in a partnership called Teletower located at a latitude 29-34-25.42 N, longitude 95-29-36.28 W where ground level is at 79ft AMSL. This partnership is the owner of certain real property approximately 3 miles north-northwest of the planned landfill facility expansion, consisting of 587.84 acres within the Thomas Hobermacher Survey Abstract 191 and the West & Schencks Subdivision, Fort Bend County, Texas (the "Teletower Property"). KRIV-TV and KTRK-TV each has its main television antenna tower and transmitter building on this property used for its broadcasting channels.

b. KRIV-TV has its newly constructed Doppler radar tower and antenna on the Teletower Property located at a latitude 29-34-25.8 N, longitude 95-29-18.8 W where the Radar base is at 70ft AMSL. The Center of Radiation of the radar station is 110 feet above ground. This Radar station is approximately 2.7 miles north-northwest of the planned landfill facility expansion.

3. **Use, Operation, and Potential Effect on KRIV's Properties:** The Doppler radar on the Teletower Property is used for weather observation and detection, and is a chief source of information about imminent and threatening storms for the Houston and Galveston television market. It is used by the National Weather Service of the Gulf Coast region. If the Blue Ridge Landfill TX, L.P. is granted a permit and authorization to expand its landfill vertically, as proposed, KRIV's Doppler radar coverage would be rendered ineffective with respect to weather patterns and storms (including hurricanes, tornados) advancing from certain areas of the Galveston area and the Gulf of Mexico. Consequently, the safety of the entire Houston and Galveston television markets would be jeopardized.

The Doppler radar tower and antenna center of radiation is 110 feet above ground level. In order to raise the height of the tower above the final elevation of the proposed vertical expansion, a new tower would have to be erected with appropriate wind loading (i.e., the tower would have to withstand wind and storms, including hurricanes). In addition, any tower height above 200 feet must have approval from the Federal Aviation Administration (FAA).

4. **History of the Doppler Radar Towers:** KRIV has been operating a Doppler radar site at the Teletower Property since July 2006. The Doppler radar was constructed on the site for several reasons, including the fact that the Teletower properties were available, are centrally located to cover the targeted television market and can be used by radar to track extreme weather conditions in the Gulf of Mexico and the Houston-Galveston region. The location is also away from structures that could interfere with the Doppler radar signal.

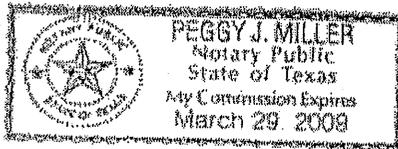
Further the Affiant sayeth not.

R.O. Barel
Affiant

Subscribed and sworn to before me the undersigned notary public on this the 13th day of April, 2007 to certify which witness my hand and official seal of acknowledgment.

Peggy J. Miller
Notary Public in and for Brazoria County,
State of Texas

My Commission Expires: 3/29/09



The studies that have been presented has not addressed long term exposure specific to this facility and its surrounding communities. This affected person would humbly request a hearing regarding the health impact of long term exposure to the air, water dispersal and reclaimed water from this facility.

Lastly, this affected party would like to request the provenance of the environmental studies of extended, long term exposure to methane gas, bacteriological and air borne particulate release on pre-pubescent children. There exists three schools within a 10 mile radius. The nearest is within 1.5 mile of the facility. I request a re-hearing on this matter.

Further, my request is that the original permit was granted with a 58 foot height restriction. The expansion request seeks permission for height up to 170 feet. My contention is to the request to elevate the structure up to the proposed height (170 ft). This would exceed any and all surrounding structures in this area. The height request poses a visual pollution that is unacceptable.

Thanks,

A handwritten signature in black ink, appearing to read 'Darryl Mayo', written over a large, light-colored oval scribble.

Darryl Mayo
(281) 403-4802

MSW # 1505A

2119 Auburn Shores Lane
Pearland, Texas 77584
December 12, 2006

RECEIVED

APR 30 2007

WASTE PERMITS DIVISION
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
LLH

Honorable Congressman Ron Paul
122 West Way
Lake Jackson, Texas 77566

Dear Congressman Paul;

Thank you for taking the time to consider my grievance. I am Darryl Mayo, a resident of Pearland, Texas and I reside in Shadow Creek Ranch Subdivision. I wish to inform you of an impending request to expand an existing landfill. The landfill is located at 2200 FM 521 and is titled the Blue Ridge Landfill; its permit number is 1505A.

Congressman Paul my grievances are many, for the sake of brevity I wish to concentrate only on a few:

This landfill has been in operation since 1993. Their current permit expires in 13 years. Currently the permit allows a maximum height of 58 feet, displaced over an area comprising 599 acres. When this landfill was first proposed, it was plotted on the furthest boundary of Fort Bend County. The company reached a settlement with Fort Bend County administrators to exempt Type I household waste storage.

At the time there existed grave concerns relating to the effects of household chemicals that studies indicated compromised the integrity of the landfill liners. Due to the concerns the permit operator agreed not to accept Type I waste into this facility. This agreement lead to the granting of the current permit.

The population density in this area has changed drastically in the last 13 years. This area borders one of the fastest growing communities in the greater Houston metropolitan area.

The current expansion permit seeks approval to expand this existing facility: to a waste footprint up to 784 feet; 1345 acres for the permit boundary; with a maximum height of 170 feet. The permit would extend the operation of this waste facility an additional 30 years.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY -9 11:13 AM
CHIEF CLERKS OFFICE

DUE DATE 5-30-07 no resp
WVCH# 11689191
PM 3/02:1
TEAM I II NOTICE NON-NOTICE

Concerns:

- Environmental impact of the facility
- Health, and quality of life issues for nearby residents
- Land use
- Traffic
- Flooding and rain water treatment
- Odor
- Diminution of value of area resident's investments

During the last open hearing, December 7, 2006, representatives from TECQ were unable to address the concerns regarding the health of residents whom reside near solid waste facilities. Our concern is that four elementary and one middle school will lie in direct proximity to the waste facility. Yet, neither TECQ nor the permit holder has requested information as to the environmental impact to young children and the long-term exposure to waste and its incumbent by-products.

We would like to request a review of the expansion permit by the Department of Health and the Environmental Protection Agency to ensure that there does not exist any negative long-term exposure to our children.

Flood and groundwater control

The permit holder has flood and groundwater monitoring facilities on their property. Yet they have not been able to adequately address concerns regarding remediation should their monitoring facilities indicate a breach. Leachage would be discharged into adjacent streams that service the surrounding communities. Most of the residents of the city of Fresno rely on groundwater for their potable water. A deterioration in the condition of their groundwater has been brought to the attention of all parties. Yet there has been no proposed remediation.

We request the intercession of the Environmental Protection Agency to conduct thorough testing of the site and its surrounding communities to ensure that the safety of residents is not being compromised.

Odor

Many of the local residents have voiced complaints regarding the waste facility current operations and the lack of effective remedy. The proposed expansion can only lead to a greater occurrence of environmental and air pollution.

Waste Liner

The original permit was granted with the intent to operate with the existing liner for 30 years. The liner has been in operation for a period of 13 years. The requested permit will extend the liner for an additional 30 years; thereby extending the liner to a life cycle of 43 years. There have been allegations that the liner has sustained a breach allowing the dispersal of contaminants into the surrounding soil.

The original permit was granted with an agreement that Type I household waste would not be accepted. It is common knowledge that petroleum based household products shorten, evidence has been provided that it compromises the structural integrity of the liner. The expansion permits now requests the ability to accept Type I waste into the facility.

Economic Impact

The City of Missouri City and Fort Bend County has entered into agreement with the permit holder to limit traffic within their respective jurisdiction – thereby coercing all of the increased traffic into the neighboring county, Brazoria. The facility does not even provide services for the residents of Brazoria County. Rather, it provides services to the City of Houston and Fort Bend County. Yet they are shifting the increased traffic for the garbage trucks through our neighborhood.

I pray that you can understand the depth of our frustration. Affected parties sat within the meeting and heard that the permit has been provisionally approved. Yet the environmental impact/equity to all affected parties has not been considered. The agency has relied upon statistical analysis to determine if the permit will impact the health of residents; instead of requesting epidemiological input. All concerned residents memories are fresh with the events surrounding the Brio waste facility.

The monitoring of run off or flood water does not provide a system to protect area occupants from its harmful effects. The proposed facility height will afford it becoming the largest structure in this area!

We humbly request your assistance. We are not opposed to the continuing operation of Allied/BFI Blue Ridge facility; we are opposed to the proposed expansion. Should you have any questions, I am available to you.

Sincerely,


Darryl Mayo

Law Offices of
RICHARD R. MORRISON, IV
19901 Southwest Freeway
Sugar Land, Texas 77479
281.207.1254
281.207.5401 fax
rrmorrisoniv@yahoo.com

December 7, 2006

By Hand Delivery
LaDonna Castañuela
Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Municipal Solid Waste Landfill -- Fort Bend County
Blue Ridge Landfill Permit Amendment Application
Municipal Solid Waste (MSW) Permit Application No. 1505A

Dear Ms. Castañuela:

Please consider the following comments for the above referenced landfill.

I. STATEMENT OF THE CASE

I represent the Coalition Against Blue Ridge Landfill Expansion (CABRLE). CABRLE was formed for the purpose of opposing the expansion of the Blue Ridge Landfill in Fort Bend County. Its members include residents of Missouri City, Houston, Pearland, Fresno, Arcola and unincorporated areas of Fort Bend County. They live, work, attend school and worship in Green Valley Estates, Shadow Creek Ranch, Cambridge Falls, Winnfield Lakes, Ridgemont, Ridgemont Heights, Quail Village, Benchmark, Quailbridge, Teal Run, Mayfair Park, Ridgegate, Briargate, Briar Villa, Blueridge Park, South Post Oak Park, Blueridge Elementary School, Mary Merick Elementary School, Christa McAuliffe Middle School, Willowridge High School, numerous churches and businesses along S. Post Oak Blvd., Shadow Creek Parkway, and FM 2234. Some members of CABRLE get their water from groundwater and other are concerned about land use, traffic and flooding.

Blue Ridge Landfill TX, LP has applied to the Texas Commission on Environmental Quality for an amendment to authorize a vertical and horizontal expansion of the existing solid waste landfill. The facility is located at 2200 FM 521, one mile north of Fresno in Fort Bend County, Texas. The changes to the existing landfill are summarized in the table below.

	EXISTING LANDFILL	AMENDMENT
WASTE FOOTPRINT	302 acres	784 acres
PERMIT BOUNDARY	599 acres	1345 acres
MAX HEIGHT	58 feet	170 feet
LIFE OF SITE	13 years	40 years

II. ISSUES PRESENTED

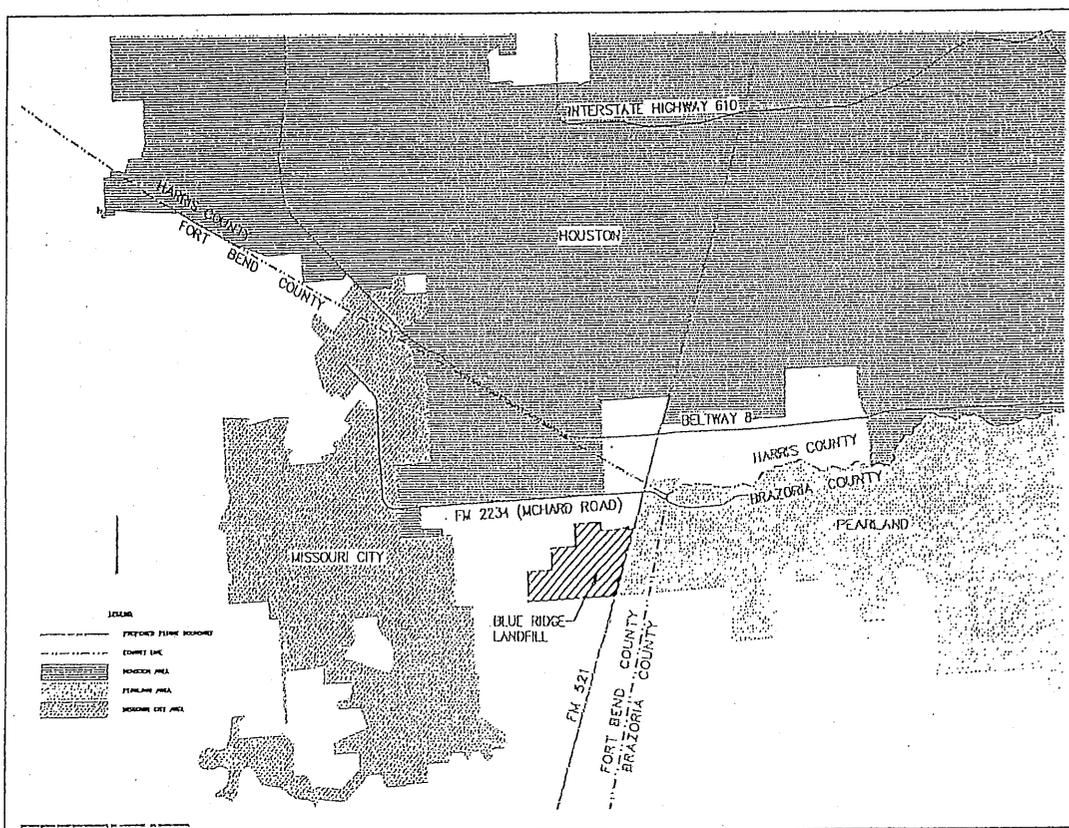
- A. If the landfill expansion creates or maintains a nuisance condition, will the issuance of a land use compatibility determination be inconsistent with the laws, rules and polices of the State of Texas? 30 TAC §§ 330.5(a)(2), 330.54(4).
- B. If the area surrounding the expansion is residential and agricultural, and it is likely that the landfill will interfere with the use and enjoyment of the surrounding lands; can it be compatible with surrounding land uses? 30 TAC §§ 330.5(a)(2), 330.53(b)(8)(B), 330.54(4).
- C. If the area surrounding the proposed expansion is experiencing some of the highest residential growth rates in the country, can the proposed expansion be compatible with growth trends in the area? 30 TAC §§ 330.5(a)(2), 330.53(b)(8)(C), 330.54(4).
- D. If the site will be in proximity to at least 5000 residences, three schools, and three churches, can it be compatible with surrounding land use? 30 TAC §§ 330.5(a)(2), 330.51(b)(2), 330.53(b)(8)(D), 330.54(4).
- E. If the application has not addressed the transportation issues that will arise because of the agreement with Missouri City how will an increase in traffic adversely affect surrounding landowners, residents, and others who work in the areas? 30 TAC §§ 330.5(a)(2), 330.5(b)(8)(E), 330.51(b)(2), 330.54(4).
- F. If the proposed expansion will be visible for miles and the proposed buffer and screening are woefully inadequate given the height, can the proposed expansion be visually compatible with its surroundings? 30 TAC §§ 330.51(b)(2), 330.54(4), 330.138.
- G. The applicant has identified over 80 water wells within one mile of the expansion. If the site is already experiencing a leak should the application be granted? 30 TAC §§ 330.5(a)(3), 330.51(b)(2), 330.54(4), 330.56(e)(4),(7) & (8), 330.200(c)(6) & (7).
- H. If the operator has a history of noncompliance at this and other facilities should the application be denied or should the application require close scrutiny of the proposals and information submitted by the applicant? 30 TAC § 330.54(4).
- I. If the surface water controls are inadequate to protect surrounding land use and flood plains should the application be granted? 30 TAC §§ 330.54(4), 330.55(b)(5), 330.56(f)(4)(B)(ii), 330.301.
- J. If the expansion violates the restriction on height set forth in the settlement agreements with Missouri City and Fort Bend County should the amendment be granted?

- K. If the daily operations at the current landfill fail to control odors and vectors, is the site operating plan for the expansion sufficient? 30 TAC §§ 330.51(b)(2), 330.54(4), 330.57, 330.114, 330.150.

III. STATEMENT OF FACTS

The Blue Ridge Landfill is located in the northeast corner of Fort Bend County. It is surrounded by the City of Houston on the north, Missouri City on the west, Fresno and Arcola on the south, the City of Pearland and Brazoria County on the east.

Although no portion of the waste fill area of the Blue Ridge Landfill site is located within the 100-year floodplain, the southwest corner of the property is within the 100-year floodplain of Mustang Bayou. American Canal, also located on-site, lies between Mustang Bayou and the waste fill area. The Clear Creek floodplain lies to the north of the landfill. Clear Creek runs to the east and drains Shadow Creek Ranch as well as Pearland and beyond. The storm water from the landfill will drain into Clear Creek.

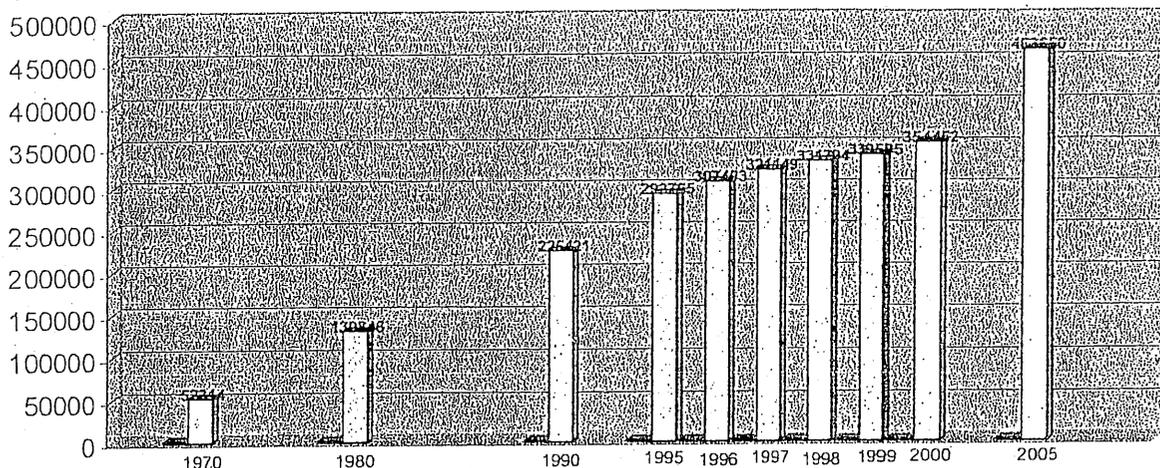


A. Fort Bend County

Fort Bend County's population is among the fastest growing in the United States. The population of the County in July 1997 was estimated to be 321,149 with more than 95,359

households, up from the 1990 Census population of 225,421 with 70,517 households. In the 2000 Census population was 354,452 and the 2005 population estimate was 463,650, with 131,840 households in 2004. Over the past twenty years residential development has increased more than six times.

Fort Bend County Growth



Projections by Woods and Poole Economics for the Greater Fort Bend Economic Development Council show increasing population growth continuing through the year 2030 to a population of nearly 950,000. Other projections for the population growth for Fort Bend County are based on the historical growth trends. For the past few years' growth has exceeded four percent (4%) per year. This level is expected to continue for the next three years, then continue at three percent (3%) for the next ten years with a long-term sustained growth of two percent. Even the most conservative population estimates are triple in the next 20 years, and some are nearly quadruple.

Along with the rest of Fort Bend County population in the incorporated and unincorporated areas that surround Blue Ridge Landfill continue to grow. Missouri City and Fresno have experienced large growth rates since 1990.

	Missouri City	Fresno
1980	24,484	n/a
1990	36,176	3,400
2000	52,913	6,603

1. Missouri City

Missouri City, which lies directly to the west of the proposed expansion, achieved high growth rates throughout the 1990s but can expect to see even more growth in the coming decades. The city will double its population base over the next 20 years. Cambridge Falls and

Winnfield Lakes are two subdivisions that have sprung up in the last two years. They lie southeast of the landfill.

2. City of Houston

The City of Houston lies directly north of the landfill. Green Valley Estates, in the City of Houston, is an established neighborhood that is less than one mile from the landfill's border.

3. Fresno

Fresno is an unincorporated area of Fort Bend county and lies to the south of the proposed expansion. The applicant has identified over 80 water wells used for drinking water just south of the waste footprint. These wells are owned by the residents of Fresno and they depend on them as their only source of water. Each well produces water from depths of 80 to 120 feet.

B. Brazoria County

The Brazoria County line lies immediately to the east of the proposed expansion. Pearland is the fastest growing city in Brazoria County. The 1990 census population of 33,730 included 11,768 households. By 2005 the population was estimated to be 81,760 with 28,844 households. Pearland's growth is in the western portion of the county with much of the growth expected to occur in Shadow Creek Ranch. As of March of 2005, 987 homes were complete and 4,997 home were planned with a total of 5,983 expected.

C. The Settlement Agreements

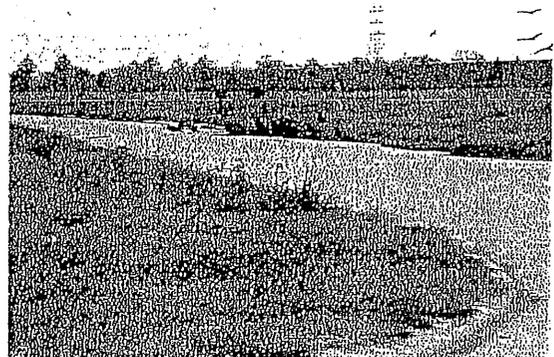
Fort Bend County has entered a settlement agreement with Blue Ridge Landfill. This settlement agreement limits the size of the landfill to a height of 170 feet. Missouri City has entered a settlement agreement with Blue Ridge Landfill. This settlement agreement limits the size of the landfill to a height of 170 feet and direct trucks under the control of the applicant to:

avoid the use of any other roads passing through Missouri City, including Lake Olympia Blvd., FM 2234 (aka Texas Parkway) west of FM 521, Lexington Blvd., Independence Blvd., University Blvd., Buffalo Trail, Sienna Parkway, Trammel Fresno Road, the unnamed 'ring road' that will connect McKeever at Sienna Parkway, the unnamed road that will come out of the Riverstone development to connect to the toll road, Lake Shore Harbour Drive, and Cartwright, other than State Highway 6, Beltway 8 or the future toll road to drive to and from the Landfill other than as necessary for local waste service.

IV. COMMENTS ON ISSUES PRESENTED

- A. *If the landfill expansion creates or maintains a nuisance condition, will the issuance of a land use compatibility determination be inconsistent with the laws, rules and polices of the State of Texas? 30 TAC §§ 330.5(a)(2), 330.54(4).*

The expansion will double the size of the landfill and triple its height. And its life will extend by more than 25 years. There are no other structures in Fort Bend that are 17 stories tall. It will easily be the largest industrial complex in Fort Bend County. The sheer magnitude of the expansion will cause odor problems, blowing trash, dust, traffic problems, and noise complaints from all of its neighbors for the next 40 years. It will attract vectors, including rats, mice, wild hogs, buzzards and seagulls.



Buzzards from Blue Ridge Landfill at Shadow Creek Ranch

- B. *If the area surrounding the expansion is residential and agricultural, and it is likely that the landfill will interfere with the use and enjoyment of the surrounding lands can it be compatible with surrounding land uses? 30 TAC §§ 330.5(a)(2), 330.53(b)(8)(B), 330.54(4).*

Over 1000 current and future residents are currently within 1/2 mile of the landfill. The current residents live in Fresno and the future residents will be moving in to the western portion of Shadow Creek Ranch. It is clear that both Fort Bend County and Brazoria County are experiencing some of the highest residential growth in the country. Agricultural land in the surrounding areas are being purchased and turned into master planned communities. There will be over 5000 residents within one mile of the landfill, including people living in Winnfield Lakes, Cambridge Falls, Green Valley Estates and Shadow Creek Ranch. A landfill of this size and this duration and all of its attendant problems is not compatible with surrounding land uses.

- C. *If the area surrounding the proposed expansion is experiencing some of the highest residential growth rates in the country can the proposed expansion be compatible with growth trends in the area? 30 TAC §§ 330.5(a)(2), 330.53(b)(8)(C), 330.54(4).*

Fort Bend and Brazoria Counties are experiencing some of the highest growth in the country. Missouri City can only grow to the east and is currently growing in that direction. Each passing year brings more homes closer to the landfill. The City of Pearland can only grow to the west and Shadow Creek Ranch is currently selling lots directly across Highway 521 from the proposed expansion. Two schools are scheduled to be built within one mile of the expansion in Shadow Creek. This expansion is not compatible.



Perry Homes' Sales Office/Show Home in Shadow Creek Ranch

- D. *If the site will be in proximity to 5000 residences, three schools, and three churches, can it be compatible with surrounding land use? 30 TAC §§ 330.5(a)(2), 330.51(b)(2), 330.53(b)(8)(D), 330.54(4).*

See above argument.

- E. *If the application has not addressed the transportation issues that will arise because of the agreement with Missouri City how will an increase in traffic adversely affect surrounding landowners, residents, and others who work in the areas? 30 TAC §§ 330.5(a)(2), 330.5(b)(8)(E), 330.51(b)(2), 330.54(4).*

In the settlement agreement with Missouri City, trucks under the applicants control are directed to:

avoid the use of any other roads passing through Missouri City, including Lake Olympia Blvd., FM 2234 (aka Texas Parkway) west of FM 521, Lexington Blvd., Independence Blvd., University Blvd., Buffalo Trail, Sienna Parkway, Trammel Fresno Road, the unnamed 'ring road' that will connect McKeever at Sienna Parkway, the unnamed road that will come out of the Riverstone development to connect to the toll road, Lake Shore Harbour Drive, and Cartwright [FM 3345], other than State Highway 6, Beltway 8 or the future toll road to drive to and from the Landfill other than as necessary for local waste service. [emphasis added]

The analysis in the application state:

Access to the site will be provided via the existing site access road and FM 521. Future designation of FM 518/Broadway is along the existing access road to the landfill. Based on travel patters of existing landfill traffic, vehicles bound for the landfill will access the site off FM 521 from State Highway (SH) 288, Beltway 8, State Highway 6, FM 2234, and FM 3345. Details of these roadways are outlined within this report. [emphasis added]

The principal long-haul access routes to the landfill site are FM 521, SH 288 and Beltway 8. Secondary access routes to the site include FM 2234 from the north, FM 3345 from the north and west, SH 6 from the south and west, and Trammel-Fresno Road from the south and west. [emphasis added]

Because the settlement agreement requires trucks controlled by the applicant to use Highway 6 and not to use FM 2234, FM 3345, and Trammel-Fresno Road, the applicant's analysis is flawed. The application is deficient.

- F. *If the proposed expansion will be visible for miles and the proposed buffer and screening are woefully inadequate given the height, can the proposed expansion be visually compatible with its surroundings? 30 TAC §§ 330.51(b)(2), 330.138, 330.54(4).*

The final height will be 170 feet tall. The current screening of the landfill is insufficient. There is no tree tall enough to adequately screen the expansion.



View of Blue Ridge Landfill from the second story of Perry Homes' Sales Office/Show Home in Shadow Creek Ranch

G. *The applicant has identified over 80 water wells within one mile of the expansion. If the site is already experiencing a leak should the application be granted? 30 TAC §§ 330.5(a)(3), 330.51(b)(2), 330.54(4), 330.56(e)(4),(7) & (8), 330.200(c)(6) & (7).*

There are over 80 water wells within one mile of the expansion and located directly south. The owners of these water wells are residents of Fresno. They depend on the water wells for drinking and bathing. In November of 2005 the applicant experienced a statistically significant exceedance of barium in MW1-8D. This well is located at the southeast corner of the existing landfill. It is certainly some evidence that the current landfill is already leaking. The residents of Fresno are entitled to learn about the transport of barium over the next 40 years in the water table. And the effect of 17 stories of waste stacked on top of any existing leak. A simple groundwater potentiometric map is insufficient for this purpose. Sophisticated computer modeling is needed to determine:

- Whether or not a leak has occurred, and
- If there is a leak, over the next 40 years how much barium can they expect to leak,
- Where will it go and how fast will it get there?

- H. *If the operator has a history of noncompliance at this and other facilities should the application be denied or should the application require close scrutiny of the proposals and information submitted by the applicant? 30 TAC § 330.54(4).*

The operations of Allied Waste Industries at its landfills in Texas are examples.

- I. *If the surface water controls are inadequate to protect surrounding land use and flood plains should the amendment be granted? 30 TAC §§ 330.54(4), 330.55(b)(5), 330.56(f)(4)(B)(ii), 330.301.*

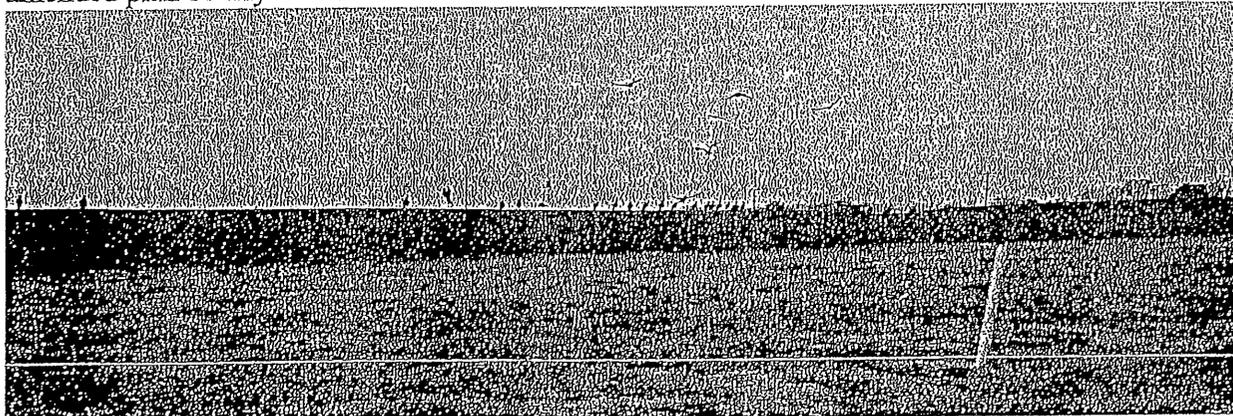
The expansion will be between the floodplain of Mustang Bayou and Clear Creek. Many residents of Fresno already complain of flooding problems in the neighborhood. These problems occur during regular rainfall because of the low lying land and the flood plain of Mustang Bayou and Clear Creek. The FEMA maps relied upon by the applicant do not adequately address this situation.

- J. *If the expansion violates the restriction on height set forth in the settlement agreements with Missouri City and Fort Bend County should the amendment be granted?*

According to the applicant's maps, the landfill will reach a height of 172.17 feet, violating the two settlement agreements.

- K. *If the daily operations at the current landfill failed to control odors and vectors, is the site operating plan for the expansion sufficient? 30 TAC §§ 330.51(b)(2), 330.57, 330.114, 330.150.*

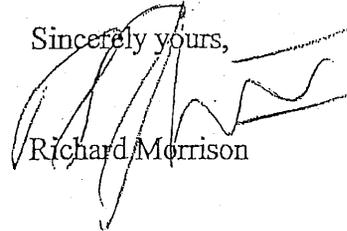
Many residents from Shadow Creek Ranch and Fresno currently complain of the odors that come from the existing landfill. Buzzards already perch on the fences of Shadow Creek Ranch. If the current site operating plan is insufficient to prevent these violations how will the amended plan be any better?



Westernmost fence of Shadow Creek Ranch. Note: Blue Ridge Landfill in middle right of photo.

Please forward these comments to the Executive Director and his staff for their consideration. Thank you and we look forward to their response.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Richard Morrison', written over the typed name. The signature is stylized and somewhat cursive.

Richard Morrison

Law Offices of
RICHARD R. MORRISON, IV
19901 Southwest Freeway
Sugar Land, Texas 77479
281.207.1254
281.207.5401 fax
rrmorrisoniv@yahoo.com

MSW
5/835

April 13, 2007

OPA *K*

APR 16 2007

BY *g*

CHIEF CLERKS OFFICE

2007 APR 13 PM 3:00

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

*Via Facsimile: (512) 239-3311
and First Class U.S. Mail*
LaDonna Castañuela
Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Municipal Solid Waste Landfill -- Fort Bend County
Blue Ridge Landfill Permit Amendment Application
Municipal Solid Waste (MSW) Permit Application No. 1505A

Dear Ms. Castañuela:

This letter is being submitted on behalf of the Coalition Against Blue Ridge Landfill Expansion ("CABRLE"), an organization whose members include local governments and citizens and who live or own property in the vicinity of the proposed landfill. CABRLE's address is P.O. Box 842, Fresno, Texas 77545, and its chairman is Donna Thomas. In accordance with 30 T.A.C. § 55.205, several members of CABRLE, as indicated below, have standing to request a contested case hearing in their own right. The purpose of this letter is to request a contested case hearing regarding the application by Blue Ride Landfill TX, LP, MSW Permit No. 1505A, in accordance with the notice and the Executive Director's Response to Public Comment issued by the Chief Clerk's Office March 16, 2007.

The purpose of CABRLE is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Fort Bend, Harris and Brazoria County, Texas, and (2) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CABRLE seeks to protect in this Contested Case Hearing are germane to these purposes.

Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Rodrigo Carreon resides and owns the property located at 1122 Avenue C, Fresno, Texas 77545. Mr. Carreon's property is located less than 1.5 miles southwest of the landfill. Mr. Carreon obtains drinking water from an individual well, and concern about his drinking water is a major issue. His neighbor hood experiences flooding problems and he is concerned about contaminated floodwater from the landfill reaching his water well. He frequently drives on

Highway 6, FM 521 and Trammel Fresno Road and is concerned about his health and safety from the impact of increased truck traffic on these and other roads in the area. Finally, Mr. Carreon is concerned about the health effects of seagulls, buzzards and other vectors from the landfill.

Sheila Burr resides and owns the property located at 4514 S. Ridgewalk, Houston, Texas 77053, approximately 3/4 mile north of the landfill. She frequently drives on FM 2234 and FM 521 and is concerned about her health and safety from the impact of increased truck traffic on these and other roads in the area. She is also concerned about the health effects of blowing trash, seagulls, buzzards and other vectors from the landfill. Finally, Ms. Burr is concerned that the landfill is incompatible with the surrounding land uses because of its height and massive size. It cannot be properly visually screened and will create a nuisance.

Sharon and Jason Husbands reside and own property located at 2622 White Falls Dr., Pearland, Texas 77584, approximately 3/4 mile east of the landfill. They frequently drive on FM 2234 and FM 521 and are concerned about their health and safety from the impact of increased truck traffic on these and other roads in the area. They are also concerned about the health effects of blowing trash, seagulls, buzzards and other vectors from the landfill. Finally, the Husbands are concerned that the landfill is incompatible with the surrounding land uses because of its height and massive size. It cannot be properly visually screened and will create a nuisance.

The City of Pearland's city limits are approximately .2 miles due east from the landfill. The City has an interest to protect the health and safety of its citizens, its tax base, and its infrastructure. The City is concerned the increased truck traffic on FM 2234, FM 521 and Highway 6 as well as other roads in the area will affect the health and safety of its citizens as well as decrease the life expectancy of its roads. Additionally, the City's growth is in the western portion of the county with much of the growth expected to occur in Shadow Creek Ranch; whose western most border is less than .2 miles from the landfill. As of March of 2005, 987 homes were complete and 4,997 home were planned with a total of 5,983 expected. The City is concerned about the health effects of blowing trash, seagulls, buzzards and other vectors from the landfill. Finally, the City is concerned that the landfill is incompatible with the surrounding land uses because of its height and massive size. It cannot be properly visually screened and will create a nuisance. On December 11, 2006, the City adopted Resolution #R2006-209 opposing the expansion to the landfill and urging the Commission to deny the Application.

Each of the above is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CABRLE are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility.

Alternatively, the City of Pearland's is an affected party with a justiciable interest related to and economic interest, namely its tax base and well as its infrastructure. Additionally, the

City of Pearland is concerned about the health and safety of its citizens from the impact of the proposed landfill.

DISPUTED ISSUES OF FACT

In the following paragraphs we briefly discuss issues of fact disputed by members of CABRLE that are relevant and material to the Commission's decision on this application. We have identified by number the Executive Director's responses to comments that we dispute.

- A. *The landfill expansion will create or maintain a nuisance condition and the issuance of a land use compatibility determination will be inconsistent with the laws, rules and polices of the State of Texas.*

Executive Director's Response to Comments Nos. 2, 3, 4, 7, 8, 16, 17 and 21.

The expansion will double the size of the landfill and triple its height. And its life will extend by more than 25 years. There are no other structures in Fort Bend that are 17 stories tall. It will easily be the largest industrial complex in Fort Bend County. The sheer magnitude of the expansion will cause odor problems, blowing trash, dust, traffic problems, and noise complaints from all of its neighbors for the next 40 years. It will attract vectors, including rats, mice, wild hogs, buzzards and seagulls.

- B. *The area surrounding the expansion is residential and agricultural, it is likely that the landfill will interfere with the use and enjoyment of the surrounding lands and will not be compatible with surrounding land uses.*

Executive Director's Response to Comments Nos. 2, 3, 4, 7, 8, 16, 17 and 21.

Over 1000 current and future residents are currently within 1/2 mile of the landfill. The current residents live in Fresno and the future residents will be moving in to the western portion of Shadow Creek Ranch. It is clear that both Fort Bend County and Brazoria County are experiencing some of the highest residential growth in the country. Agricultural land in the surrounding land is being purchased and turned into master planned communities. There will be over 5000 residents within one mile of the landfill, including people living in Winnfield Lakes, Cambridge Falls, Green Valley Estates and Shadow Creek Ranch. A landfill of this size and this duration and all of its attendant problems is not compatible with surrounding land uses.

- C. *The site will be in proximity to 5000 residences, three schools, and three churches. The area surrounding the proposed expansion is experiencing some of the highest residential growth rates in the country and the proposed expansion will not be compatible with growth trends in the area.*

Executive Director's Response to Comments Nos. 2, 3, 4, 7, 8, 16, 17 and 21.

Fort Bend and Brazoria Counties are experiencing some of the highest growth in the country. Missouri City can only grow to the east and is currently growing in that direction. Each passing year brings more homes closer to the landfill. The City of Pearland can only grow to the west and Shadow Creek Ranch is currently selling lots directly across Highway 521 from the proposed expansion. Two schools are scheduled to be built within one mile of the expansion in Shadow Creek. This expansion is not compatible.

- D. *The application has not addressed the transportation issues that will arise because of the agreement with Missouri City. An increase in traffic will adversely affect surrounding landowners, residents, and others who work in the area.*

Executive Director's Response to Comments Nos. 5 and 21.

In the settlement agreement with Missouri City, trucks under the applicants control are directed to:

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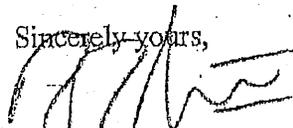
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CABRLE respectfully requests that a contested case hearing be granted on these important issues relating to application No. MSW 1505A.

Sincerely yours,



Richard Morrison

C: *Via First Class U.S. Mail*

FOR THE APPLICANT:

Christopher Synek
Southwest Regional Vice President
Blue Ridge Landfill TX, LP
2200 FM 521
Fresno, Texas 77545

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*MSW
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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR 16 AM 11:11

April 13, 2007

CHIEF CLERKS OFFICE

*Via Facsimile: (512) 239-3311
and First Class U.S. Mail*
LaDonna Castañuela
Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

OPA *H*

APR 17 2007

BY *[Signature]*

RE: Municipal Solid Waste Landfill -- Fort Bend County
Blue Ridge Landfill Permit Amendment Application
Municipal Solid Waste (MSW) Permit Application No. 1505A

Dear Ms. Castañuela:

This letter is being submitted on behalf of the Coalition Against Blue Ridge Landfill Expansion ("CABRLE"), an organization whose members include local governments and citizens and who live or own property in the vicinity of the proposed landfill. CABRLE's address is P.O. Box 842, Fresno, Texas 77545, and its chairman is Donna Thomas. In accordance with 30 T.A.C. § 55.205, several members of CABRLE, as indicated below, have standing to request a contested case hearing in their own right. The purpose of this letter is to request a contested case hearing regarding the application by Blue Ridge Landfill TX, LP, MSW Permit No. 1505A, in accordance with the notice and the Executive Director's Response to Public Comment issued by the Chief Clerk's Office March 16, 2007.

The purpose of CABRLE is to (1) promote the advancement of education through the pursuit and dissemination of information about problems related to pollution, environmental hazards and health risks and solutions related to solid waste facilities, water and air discharge systems, and land development within Fort Bend, Harris and Brazoria County, Texas, and (2) serve the scientific purposes of investigating and disseminating information about potential environmental hazards and their effects on the health and well-being of persons and other living entities. The interests that CABRLE seeks to protect in this Contested Case Hearing are germane to these purposes.

Neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Rodrigo Carreon resides and owns the property located at 1122 Avenue C, Fresno, Texas 77545. Mr. Carreon's property is located less than 1.5 miles southwest of the landfill. Mr. Carreon obtains drinking water from an individual well, and concern about his drinking water is a major issue. His neighbor hood experiences flooding problems and he is concerned about contaminated floodwater from the landfill reaching his water well. He frequently drives on

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Highway 6, FM 521 and Trammel Fresno Road and is concerned about his health and safety from the impact of increased truck traffic on these and other roads in the area. Finally, Mr. Carreon is concerned about the health effects of seagulls, buzzards and other vectors from the landfill.

Sheila Burr resides and owns the property located at 4514 S. Ridgewalk, Houston, Texas 77053, approximately 3/4 mile north of the landfill. She frequently drives on FM 2234 and FM 521 and is concerned about her health and safety from the impact of increased truck traffic on these and other roads in the area. She is also concerned about the health effects of blowing trash, seagulls, buzzards and other vectors from the landfill. Finally, Ms. Burr is concerned that the landfill is incompatible with the surrounding land uses because of its height and massive size. It cannot be properly visually screened and will create a nuisance.

Sharon and Jason Husbands reside and own property located at 2622 White Falls Dr., Pearland, Texas 77584, approximately 3/4 mile east of the landfill. They frequently drive on FM 2234 and FM 521 and are concerned about their health and safety from the impact of increased truck traffic on these and other roads in the area. They are also concerned about the health effects of blowing trash, seagulls, buzzards and other vectors from the landfill. Finally, the Husbands are concerned that the landfill is incompatible with the surrounding land uses because of its height and massive size. It cannot be properly visually screened and will create a nuisance.

The City of Pearland's city limits are approximately .2 miles due east from the landfill. The City has an interest to protect the health and safety of its citizens, its tax base, and its infrastructure. The City is concerned the increased truck traffic on FM 2234, FM 521 and Highway 6 as well as other roads in the area will affect the health and safety of its citizens as well as decrease the life expectancy of its roads. Additionally, the City's growth is in the western portion of the county with much of the growth expected to occur in Shadow Creek Ranch; whose western most border is less than .2 miles from the landfill. As of March of 2005, 987 homes were complete and 4,997 home were planned with a total of 5,983 expected. The City is concerned about the health effects of blowing trash, seagulls, buzzards and other vectors from the landfill. Finally, the City is concerned that the landfill is incompatible with the surrounding land uses because of its height and massive size. It cannot be properly visually screened and will create a nuisance. On December 11, 2006, the City adopted Resolution #R2006-209 opposing the expansion to the landfill and urging the Commission to deny the Application.

Each of the above is an affected person with a personal justiciable interest related to an economic interest, namely their property interest, which is not common to the general public. Members of CABRLE are concerned about their health and their safety from the impact of the proposed landfill. Each of these persons enjoys outdoor activities which will be impacted by the operation of this facility.

Alternatively, the City of Pearland's is an affected party with a justiciable interest related to and economic interest, namely its tax base and well as its infrastructure. Additionally, the

City of Pearland is concerned about the health and safety of its citizens from the impact of the proposed landfill.

DISPUTED ISSUES OF FACT

In the following paragraphs we briefly discuss issues of fact disputed by members of CABRLE that are relevant and material to the Commission's decision on this application. We have identified by number the Executive Director's responses to comments that we dispute.

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The expansion will double the size of the landfill and triple its height. And its life will extend by more than 25 years. There are no other structures in Fort Bend that are 17 stories tall. It will easily be the largest industrial complex in Fort Bend County. The sheer magnitude of the expansion will cause odor problems, blowing trash, dust, traffic problems, and noise complaints from all of its neighbors for the next 40 years. It will attract vectors, including rats, mice, wild hogs, buzzards and seagulls.

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Over 1000 current and future residents are currently within 1/2 mile of the landfill. The current residents live in Fresno and the future residents will be moving in to the western portion of Shadow Creek Ranch. It is clear that both Fort Bend County and Brazoria County are experiencing some of the highest residential growth in the country. Agricultural land in the surrounding land is being purchased and turned into master planned communities. There will be over 5000 residents within one mile of the landfill, including people living in Winnfield Lakes, Cambridge Falls, Green Valley Estates and Shadow Creek Ranch. A landfill of this size and this duration and all of its attendant problems is not compatible with surrounding land uses.

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR 17 PM 2:36

April 13, 2007

CHIEF CLERKS OFFICE

*Via Facsimile: (512) 239-3311
and First Class U.S. Mail*
LaDonna Castañuela
Office of the Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

OPA

APR 16 2007

OPA *H*

APR 18 2007

BY *J*

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- F. *The applicant has identified over 80 water wells within one mile of the expansion. The site is already experiencing a leak of barium.*

Executive Director's Response to Comments Nos. 9, 10, 13 and 29.

There are over 80 water wells within one mile of the expansion and located directly south. The owners of these water wells are residents of Fresno. They depend on the water wells for drinking and bathing. In November of 2005 the applicant experienced a statistically significant exceedance of barium in MW1-8D. This well is located at the southeast corner of the existing landfill. It is certainly some evidence that the current landfill is already leaking. The residents of Fresno are entitled to learn about the transport of barium over the next 40 years in the water table. And the effect of 17 stories of waste stacked on top of any existing leak. A simple groundwater potentiometric map is insufficient for this purpose. Sophisticated computer modeling is needed to determine:

- Whether or not a leak has occurred, and
- If there is a leak, over the next 40 years how much barium can they expect to leak,
- Where will it go and how fast will it get there?

- G. *The operator has a history of noncompliance at this and other facilities and the application should require the close scrutiny of a contested case hearing of the proposals and information submitted by the applicant.*

Executive Director's Response to Comments No. 24

The operations of Allied Waste Industries at its landfills in Texas are examples.

- H. *The surface water controls are inadequate to protect surrounding land use and flood plains and the application is deficient.*

Executive Director's Response to Comments Nos. 11 and 12.

Although no portion of the waste fill area of the Blue Ridge Landfill site is located within the 100-year floodplain, the southwest corner of the property is within the 100-year floodplain of Mustang Bayou. American Canal, also located on-site, lies between Mustang Bayou and the waste fill area. The Clear Creek floodplain lies to the north of the landfill. Clear Creek runs to

the east and drains Shadow Creek Ranch as well as Pearland and beyond. The storm water from the landfill will drain into Clear Creek.

The expansion will be between the floodplain of Mustang Bayou and Clear Creek. Many residents of Fresno already complain of flooding problems in the neighborhood. These problems occur during regular rainfall because of the low lying land and the flood plain of Mustang Bayou and Clear Creek. The FEMA maps relied upon by the applicant do not adequately address this situation.

- I. *The expansion violates the restriction on height set forth in the settlement agreements with Missouri City and Fort Bend County. The application is deficient.*

Executive Director's Response to Comments No. 16.

According to the applicant's maps, the landfill will reach a height of 172.17 feet, violating the two settlement agreements.

- J. *The daily operations at the current landfill fail to control odors and vectors. The site operating plan for the expansion is not sufficient.*

Executive Director's Response to Comments Nos. 2, 3, 4, and 8.

Many residents from Shadow Creek Ranch and Fresno currently complain of the odors that come from the existing landfill. Buzzards already perch on the fences of Shadow Creek Ranch. If the current site operating plan is insufficient to prevent these violations how will the amended plan be any better?

CABRLE respectfully requests that a contested case hearing be granted on these important issues relating to application No. MSW 1505A.

Sincerely yours,



Richard Morrison

C: *Via First Class U.S. Mail*

FOR THE APPLICANT:

Christopher Synek
Southwest Regional Vice President
Blue Ridge Landfill TX, LP
2200 FM 521
Fresno, Texas 77545

Jeffrey Young, P.E.
Weaver Boos Consultants LLC-Southwest
6420 Southwest Blvd., Ste. 206
Fort Worth, Texas 76109

Paul Gosselink
Lloyd Gosselink
816 Congress Ave., Ste. 1900
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR:

D.A. Chris Ekoh
Staff Attorney
TCEQ
Environmental Law Division, MC 173
P.O. Box 13087
Austin, Texas 78711-3087

Steve Odil
Technical Staff
TCEQ
Waste Permits Division
MSW Permits Section, MC-124
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE OFFICE OF PUBLIC
ASSISTANCE:

Ms. Jodena Henneke
Director
TCEQ
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr. Attorney
TCEQ
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

Done for oral ⁽¹⁵⁾
comment.

TCEQ Public Meeting Form

Thursday, December 7, 2006

Blue Ridge Landfill Tx, L.P.
Proposed Municipal Solid Waste
No. 1505A

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
CHIEF CLERK'S OFFICE
DEC 11 PM 4:45

PLEASE PRINT:

Name: Sheba Muharib
Address: 3402 Farrel Hill St
City/State: Frisco TX Zip: 77545
Phone: (832) 216-3495

Please add me to the mailing list.

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

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

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

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

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

2

Sheba Muharib
3402 Farrel Hill St
Fresno TX 77545

12-7-2006

OPA RECEIVED

DEC 07 2006

RFR

AT PUBLIC MEETING

Dear TCEQ

RE: Proposed Municipal Solid Waste

I oppose the expansion. I ride the Ft Bend Toll nightly. When I travel during the day I breath clearly. Once night falls I feel as though I've been drugged or inhaled gas. I wish I could hold my breath. However I am unable to hold ~~to~~ my breath for that amount of time.

I live in Winfield Lake tentatively they are building an elementary school toward the back of our subdivision which is closer than 5 miles to the current landfill.

I beg of you to please reconsider this expansion.

Thank You
Sheba Muharib

CHIEF CLERK'S OFFICE

DEC 11 PM 4:45

ON TEXAS
COMMISSION
ON ENVIRONMENTAL

CHIEF CLERK'S OFFICE

DEC 13 AM 9:57

To: TCEQ MSW 51435

COMMENTS, REQUESTS FOR CONTESTED CASE HEARING AND SUMMARY OF ISSUES PROPOSED MSW PERMIT NO. 1505A.

LAND USE COMPATIBILITYⁱ

PROPOSED EXPANSION OF BLUE RIDGE LANDFILL OWNED BY ALLIED WASTE AND OPERATED BY BFI

December 10, 2006

OPA
DEC 13 2006
BY *gs*

Submitted by: Anita Prinz, 2116 Breezeway Ln, Pearland, TX 77584

Key Provision of Statutes or Rulesⁱⁱ	Issues that TCEQ Has to or May Consider. Use if True or Likely to be True
30 Tex.Admin code (TAC) § 330.53(b)(8) ⁱⁱⁱ	The proposed expansion will not be compatible with surrounding land uses, considering the factors identified in 30tex. Admin Code § 330.53 (b)(8) (This issue was approved by the Commissioners of TCEQ in the land use hearing on the Panama Road Landfill MSW-2296, TCEQ Docket No. 2002-1381-MSW. See Attached). The area is residential and agricultural, not industrial. Operations of the landfill will interfere with the use and enjoyment of surrounding lands and homes and the landfill is not compatible with surrounding drainage, pipeline and utility easements.
30 TAC §§330.5, 330.53-330.56 & 330.300	The proposed expansion will not be visually compatible with its surroundings. (This issue was approved by the Commissioner of TCEQ in the land use hearing on the Panama Road Landfill MSW-2296, TCEQ Docket No. 2002-1381-MSW) The landfill will be visible for miles and the proposed buffer and screening are woefully inadequate given the height. The application does not even propose reasonable measures for planting and maintaining trees, and wind breaks to protect surrounding land uses.
30 TAC §§ 330.5, 330.53-330.56 & 330.300	The proposed expansion will not be compatible with growth trends in the area. (This issue was approved by the Commissioner of TCEQ in the land use hearing on the Panama Road Landfill MSW-2296, TCEQ Docket No. 2002-1381-MSW). The area is experiencing high rates of growth of residential communities, not industrial facilities.
30 TAC §§ 330.5, 330.53-330.56, 330.200-330.206 & 330.300	The increase in traffic and other safety hazards will adversely affect surrounding landowners, residents and others who work in the area or use nearby lands or watercourses for recreational purposes. (This issue was approved by the Commissioner of TCEQ in the land use hearing on the Panama Road Landfill MSW-2296, TCEQ Docket No. 2002-1381-MSW). Moreover, the application does not present adequate transportation information or an adequate description for the 1) roads, 2)bridges in the area, 3) weight limits, 4) <u>railroads</u> and, 5) the placement and design of the access to the landfill, to minimize risks of accident. The increase in traffic cannot be handled by the small roads in the area and the roads will be destroyed by the large number and size of the trucks.

<p>THSC § 361.020 THSC § 361.062</p>	<p>The expansion will not be compatible with the regional solid waste management plan. (This issue was approved by the Commissioner of TCEQ in the land use hearing on the Panama Road Landfill MSW-2296, TCEQ Docket No. 2002-1381-MSW).</p>
<p>Tex. Health & Safety Code (THSC) §§361.002, 361.011, 361.024, 382.002, 361.089</p> <p>Tex. Water Code (TWC) §§5.120 & 26.121</p> <p>30 TAC §§ 330.5 & 330.51</p>	<p>The issuance of the land use compatibility determination would be inconsistent with numerous state policies including the statutory and regulatory goals that direct TCEQ to:</p> <ol style="list-style-type: none"> 1) Promote the maximum conservation and protection of the quality of the environment and the natural resources of the state; 2) Prohibit discharges and actions that could result in pollution of waters (ground or surface) of the state, 3) Require the safeguarding of the state's air from pollution; 4) Require the control all aspects of the management of municipal solid waste...by all practical and economically feasible methods consistent with the law; and <ul style="list-style-type: none"> • Prohibit any person from causing or allowing the collection, storage, disposal, transportation, or processing, of municipal waste in a fashion that • Results in the discharge or imminent threat of discharge of municipal solid waste into or adjacent to the waters in the state • Creates or maintains nuisance conditions; and/or • Endangers human health or welfare or the environment.
<p>THSC §§361.002, 361.084, 361.089 & 382.002</p> <p>30TAC §§305.66, 330.5 & 330.51</p>	<p>The owner has chosen an operator that has a history of noncompliance at this and other facilities that</p> <ol style="list-style-type: none"> 1) Supports denial of the application; or 2) Requires close scrutiny of the proposals and information submitted by the applicant and the addition of special conditions to any approval to assure that future any land use determination is not improperly used by the County and WMT, especially to foreclose or limit legitimate uses of surrounding lands. The operations of WMT at its landfills in central Texas, in Travis and Comal Counties are just a few examples.
<p>30 TAC §§ 330.51-330.56, 330.134, 330.139, 330.302 & Subch H, TWC §§5.120 & 26.121</p>	<p>The surface water controls are inadequate to protect surrounding land use and flood plains: For example the application does not have:</p> <ol style="list-style-type: none"> 1) Adequate controls to prevent contamination of storm waters that will run off the site; 2) Adequate drainage controls to protect surrounding properties and assure historic levels of runoff; and /or 3) Adequate design to avoid flooding. 4) An adequate site that avoids the real flood plain.
<p>30 TAC subch H, §§ 330.51, 330.302</p>	<p>The site violates the site selection criteria as it is located in an area with faults and wetlands (American Waters)</p>

<p>THSC §§361.002 & 361.078 30TAC §§305.66, 330.5, 330.51 & 330.129</p>	<p>The evaluation of endangered species is inadequate: For example: 1) The application has not provided adequate demonstration that it is not in a critical area for endangered or threatened species or otherwise in an area where the landfill operations would not adversely affect endangered or threatened species or habitat for such species.</p>
<p>THSC §§ 361.066, 361.068, 361.084, 361.087 & 361.089, TWC § 5.234, 30 TAC §§330.7, 330.51, 330.52, 330.62</p>	<p>The applicant did not submit a complete and accurate application, and other information required by TNRCC: For example 1) The application does not identify all springs, water wells, oil and gas wells, homes, churches, etc. in the area; 2) The application does not identify site specific issues requiring special considerations such as the problems with the existing landfill at the site; and 3) The application does not provide all the information required by the rules.</p>
<p>THSC §§361.002 & 361.089 TWC §§5.120 & 26.121 30 TAC §§281.5, 305.6, 330.45, 330.51-330.56 ^ 330.305</p>	<p>The information on geology and hydrology is inadequate: For example: 1) There were not an adequate number of boring at the correct locations and depths for the evaluation of the geology and groundwater needed to determine if the site can be used for a landfill of the size and nature proposed' 2) The application does not adequately describe the regional or site specific geology and the regional aquifers; and 3) The application does not properly characterize the soils.</p>

ⁱ TCEQ rules provide for **Land-Use Public Hearing**. The executive director may process a permit application or partial application to the extent necessary to determine land-use compatibility alone. If the site is determined to be acceptable on the basis of land use, the executive director may consider technical matters related to the application at a later time. **30TAC §330.61.**

ⁱⁱ The following laws and rules are applicable to the land use hearing:

Texas Water Code: Chapters 1, 5, 7, 26

Texas Health and Safety Code: Chapter 361, 363, 382

Texas Government Code: Chapters 2001-2003 & 2007

Texas Transportation Code: Chapter 317, 391, 471

Texas Parks and Wildlife Code: Chapter 11-13, 68, 88

30 Texas Administrative Code: Chapter 1, 3, 37, 39, 50, 55, 281, 305, 330, 335

ⁱⁱⁱ The basic TCEQ Rule states: Land Use. A primary concern is that the use of any land for a municipal solid waste site **not adversely impact human health or the environment**. The impact of a site upon a city, community, group of property owners, or individuals shall be considered in terms of compatibility of land use, zoning in the vicinity, community growth patterns and **other factors associated with the public interest**. To assist the executive director in evaluating the impact of the site on the surrounding area the applicant shall provide the following

Anita Prinz
2116 Breezeway Lane
Pearland, TX 77584-3632
cabrle@hotmail.com

OPA#

DEC 20 2006

BY gr

December 18, 2006

Office of the Chief Clerk MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711

sent via e-mail 12/18/06

MSW
31835

CHIEF CLERK

2006 DEC 19 AM 5:13

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

To Whom It May Concern:

I am writing to you to state my opposition to the Major Permit Amendment Application, MSW-1505A submitted by Blue Ridge Landfill TX,LP a subsidiary of Allied Waste Industries. The Blue Ridge Landfill is located at 2200 FM521 in Fort Bend County and affects communities in 3 counties, Fort Bend, Brazoria, and Harris counties. I am a homeowner in Shadow Creek Ranch, my property measures off on maps as 1 mile away from this site.

I am writing to you to request that the landfill be evaluated immediately for total hydrocarbons and Btex contaminants.

Also Allied alleged in their documents that all contaminants and run off waters would travel north east and according to local geologist he said "everyone knows the run off goes south east" Which is toward the American Waterways and Bayous. I request that an independent consultant evaluate the runoff waters and flood plain.

I ask that you determine what the profile is of the water table. I don't believe that barium is a naturally occurring element in our area. I request that the water table testing must drill to a minimum of 100 feet, to test both water tables, as not all contaminants float to the top layer.

I want to know who is monitoring the Blue Ridge Landfill leachate system and request that they be tested monthly by an outside resource that BFI is not affiliated with, as these systems can become clogged and fail. I find it absurd that BFI is permitted to self monitor or hire contractors to monitor their system. I request that TCEQ conduct unannounced random sampling using your engineers or hired contractors to keep the system honest.

Overall, I am concerned about my health, the air and water pollution and how this will affect my quality of life and the neighborhood in which I chose to live.

I am requesting to be an "affected party" due to my close proximity to this landfill.

Please do not allow this landfill expansion to occur.

Sincerely,

Anita Prinz 
Anita Prinz

ASW
51835

Anita Prinz
2116 Breezeway Lane
Pearland, TX 77584-3632
713-436-8385
cabrie@Hotmail.com

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 FEB 21 AM 10:01

CHIEF CLERKS OFFICE

February 18, 2007

OPA

Office of the Chief Clerk MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711

FEB 21 2007

BY JK

Re: Blue Ridge Landfill MSW Permit No. 1505

To Whom It May Concern:

I am writing to you regarding Blue Ridge Landfill's Site Operating Plan (SOP). I would like the TCEQ to ensure the details of the Odor Management plan are sufficient. Please ensure that the landfill is covering their wastes in a timely manner. Please ensure that there is there is an alternative daily cover. I live 1.5 miles from the landfill and can occasionally smell foul odors that appear to be from the landfill.

Please measure all the water wells to ensure that spacing is 600 feet or less.

Please review the Litter control plan to keep our neighborhoods beautiful. Please investigate the litter "fall off" that occurs on the trucks and that there is a plan to prevent this, or from drivers littering out of their truck windows (as I have personally witnessed this myself)

I am concerned about my health and my property values living in such close proximity to such a big landfill.

Sincerely,

Anita Prinz

Anita Prinz
Member of Coalition Against Blue Ridge Landfill Expansion
<http://cabrie.spaces.live.com/>

2/18/07 - faxed 512-239-3311

CM

To: TCEQ

OPA
DEC 13 2006
BY JS

COMMENTS, REQUESTS FOR CONTESTED CASE HEARING AND SUMMARY OF ISSUES PROPOSED MSW PERMIT NO. 1505A.

LAND USE COMPATIBILITY¹

PROPOSED EXPANSION OF BLUE RIDGE LANDFILL OWNED BY ALLIED WASTE AND OPERATED BY BFI

December 10, 2006

OFFICE OF THE ATTORNEY GENERAL
TCEQ

NOV 14 2006

Submitted by: Anita Prinz, 2116 Breezeway Ln, Pearland, TX 77584

<i>Key Provision of Statutes or Rulesⁱⁱ</i>	<i>Issues that TCEQ Has to or May Consider. Use if True or Likely to be True</i>
30 Tex. Admin code (TAC) § 330.53(b)(8) ⁱⁱⁱ	The proposed expansion will not be compatible with surrounding land uses, considering the factors identified in 30tex. Admin Code § 330.53 (b)(8) (This issue was approved by the Commissioners of TCEQ in the land use hearing on the Panama Road Landfill MSW-2296, TCEQ Docket No. 2002-1381-MSW. See Attached). The area is residential and agricultural, not industrial. Operations of the landfill will interfere with the use and enjoyment of surrounding lands and homes and the landfill is not compatible with surrounding drainage, pipeline and utility easements.
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<p>30TAC §§305.66, 330.5, 330.51 & 330.129</p>	<p>The evaluation of endangered species is inadequate: For example: 1) The application has not provided adequate demonstration that it is not in a critical area for endangered or threatened species or otherwise in an area where the landfill operations would not adversely affect endangered or threatened species or habitat for such species.</p>
<p>THSC §§ 361.066, 361.068, 361.084, 361.087 & 361.089, TWC § 5.234, 30 TAC §§330.7, 330.51, 330.52, 330.62</p>	<p>The applicant did not submit a complete and accurate application, and other information required by TNRCC: For example 1) The application does not identify all springs, water wells, oil and gas wells, homes, churches, etc. in the area: 2) The application does not identify site specific issues requiring special considerations such as the problems with the existing landfill at the site; and 3) The application does not provide all the information required by the rules.</p>
<p>THSC §§361.002 & 361.089 TWC §§5.120 & 26.121 30 TAC §§281.5, 305.6, 330.45, 330.51-330.56 ^ 330.305</p>	<p>The information on geology and hydrology is inadequate: For example: 1) There were not an adequate number of boring at the correct locations and depths for the evaluation of the geology and groundwater needed to determine if the site can be used for a landfill of the size and nature proposed' 2) The application does not adequately describe the regional or site specific geology and the regional aquifers; and 3) The application does not properly characterize the soils.</p>

¹ TCEQ rules provide for **Land-Use Public Hearing**. The executive director may process a permit application or partial application to the extent necessary to determine land-use compatibility alone. If the site is determined to be acceptable on the basis of land use, the executive director may consider technical matters related to the application at a later time. **30TAC §330.61.**

² The following laws and rules are applicable to the land use hearing:

- Texas Water Code: Chapters 1, 5, 7, 26
- Texas Health & Safety Code: Chapter 361, 363, 382
- Texas Government Code: Chapters 200, 2003 & 2007
- Texas Transportation Code: Chapter 317, 391, 471
- Texas Parks and Wildlife Code: Chapter 11-13 68 88

*MSW
57080*

Anita Prinz
2116 Breezeway Lane
Pearland, TX 77584-3632
713-436-8385
cabrle@hotmail.com

February 18, 2007

Office of the Chief Clerk MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711

OPA
FEB 20 2007
BY *g*

CHIEF CLERK'S OFFICE
FEB 18 11:59 AM '07
TCEQ
OFFICE OF THE CHIEF CLERK
MC-105
AUSTIN, TEXAS 78711

Re: Blue Ridge Landfill MSW Permit No. 1505

To Whom It May Concern:

I am writing to you regarding Blue Ridge Landfill's Site Operating Plan (SOP). I would like the TCEQ to ensure the details of the Odor Management plan are sufficient. Please ensure that the landfill is covering their wastes in a timely manner. Please ensure that there is there is an alternative daily cover. I live 1.5 miles from the landfill and can occasionally smell foul odors that appear to be from the landfill.

Please measure all the water wells to ensure that spacing is 600 feet or less.

Please review the Litter control plan to keep our neighborhoods beautiful. Please investigate the litter "fall off" that occurs on the trucks and that there is a plan to prevent this, or from drivers littering out of their truck windows (as I have personally witnessed this myself)

I am concerned about my health and my property values living in such close proximity to such a big landfill.

Sincerely,

Anita Prinz

Anita Prinz
Member of Coalition Against Blue Ridge Landfill Expansion
<http://cabrle.spaces.live.com/>

faxed 512-239-3311

767

*Done formal oral comment (5)
Submitted written comments.*

TCEQ Public Meeting Form

Thursday, December 7, 2006

Blue Ridge Landfill Tx, L.P. Proposed Municipal Solid Waste No. 1505A

RECEIVED
TCEQ
NOV 14 2006

PLEASE PRINT:

Name: Anita Prinz

Address: 2116 Breezeway Lane

City/State: Pearland Zip: 77584

Phone: (713) 436-8385

Please add me to the mailing list.

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

If yes, which one? ~~WABRETC~~

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

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

2

Anita Prinz
2116 Breezeway Lane
Pearland, TX 77584-3632
cabrle@hotmail.com

OPA RECEIVED

December 7, 2006

DEC 07 2006

Office of the Chief Clerk MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711

AT PUBLIC MEETING

To Whom It May Concern:

I am writing to you to state my opposition to the Major Permit Amendment Application, MSW-1505A submitted by Blue Ridge Landfill TX,LP a subsidiary of Allied Waste Industries. The Blue Ridge Landfill is located at 2200 FM521 In Fort Bend County and affects communities in 3 counties, Fort Bend, Brazoria, and Harris counties. As a property owner in Shadow Creek Ranch, I am less than 2 miles away from this site. I am concerned the expansion will not be compatible with surrounding land uses, visually or environmentally. The population surrounding the landfill is ever increasing, especially across the street at Shadow Creek Ranch. I am concerned about the increased traffic the expansion will create and the safety hazards and pollution that this will create. Litter falling off the trucks is also offensive, as are the vectors, particularly buzzards that are scavenging from it.

How will Allied Waste protect the groundwater for the life of the landfill and thereafter? Are wastes being treated to remove leachable components prior to disposal? I learned that water has been found contaminated in the nearby wells twice, if they cannot prevent contamination at this size landfill, how will they when it is nearly triple the size? I am concerned that the design is inadequate to avoid flooding and prevent contamination of storm waters that will run off the site.

I am concerned about my health living in such close proximity to such a big landfill. I have been experiencing increased headaches and am beginning to wonder if this is from living so close to a landfill??

I am concerned that in the United Kingdom, there is research evidence of low birth weight babies being born to women who live close to landfills.

I am concerned about the effects of this size of landfill on global warming. Methane gas produced by the landfill is one of the greatest contributors to global warming. Are you going to control the organic compounds that are submitted to the landfill?

Please do not allow this landfill expansion.

Sincerely,



Anita Prinz
Member of Coalition Against Blue Ridge Landfill Expansion
<http://cabrle.spaces.live.com/>

Anita Prinz
2116 Breezeway Lane
Pearland, TX 77584-3632
cabrle@hotmail.com

November 20, 2006

Office of the Chief Clerk MC-105
TCEQ
P.O. Box 13087
Austin, TX 78711

MSW
51035

OPA

NOV 21 2006

BY



CHIEF CLERKS OFFICE

NOV 21 11 19 01

COMMISSION ON ENVIRONMENTAL QUALITY

To Whom It May Concern:

I am writing to you to state my opposition to the Major Permit Amendment Application, MSW#1505A submitted by Blue Ridge Landfill TX, LP a subsidiary of Allied Waste Industries. The Blue Ridge Landfill is located at 2200 FM521 in Fort Bend County and affects communities in 3 counties, Fort Bend, Brazoria, and Harris counties. As a property owner in Shadow Creek Ranch, I am less than 2 miles away from this site. I am concerned about water and air pollution, and the devaluation of my property. It will also be visually unpleasant to look at as no trees can obscure a 170 foot high landfill. It will be a mountain of garbage polluting the water and air that I drink and breathe and I am strongly opposed to it. I am concerned about the adverse impact this will have on Shadow Creek Ranch and surrounding communities, such as increased odors, vectors, insects, rodents, birds, condemnation of adjacent property for future land uses. Methane and Volatile Organic Compound (VOC) migration are another public health hazard that are a major concern.

What Near-term and Long-term protection will Allied Waste offer the nearby communities?

What Land Buffer will be provided for a 170 foot landfill that will dissipate and dilute odors and visual impact?

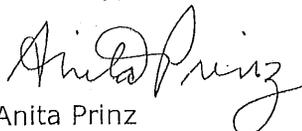
How will Allied Waste protect the groundwater for the life of the landfill and thereafter? Are wastes being treated to remove leachable components prior to disposal?

I am concerned about my health living in such close proximity to such a big landfill. While there may be no evidence today that landfills of this size cause cancer, in ten years will there be?? Twenty?

Please do not allow this landfill expansion.

I look forward to hearing from you and seeing a representative at the December 7th, 2006 public meeting.

Sincerely,



Anita Prinz
Member of Coalition Against Blue Ridge Landfill Expansion
<http://cabrle.spaces.live.com/>

Request for Reconsideration of the Executive Director's Decision
Texas Commission on Environmental Quality (TCEQ)
Permit Application No. MSW-1505A

RFR

OPA

APR 13 2007

March 30, 2007

Office of the Chief Clerk MC-105
Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, TX 78711

MSW
31835

BY KY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
APR - 3 11 07
CHIEF CLERK'S OFFICE

RE: Request for Reconsideration of the Executive Director's Decision
Expansion of Blue Ridge Landfill
MSW-1505A

Dear TCEQ Executive Director:

By this letter, I am requesting you reconsider the Executive Director's decision for the proposed expansion of the Blue Ridge Landfill (MSW-1505A). This request is based on the following comments:

1. Application of Law

As a matter of law, the TCEQ has ignored their responsibility in providing the public access to the legal Rules and Regulations which would govern this landfill application. The Texas Administrative Code (TAC) is a compilation of all state agency rules in Texas. HB 2304 mandates that the TAC be made available and in an electronic format at no charge (generally interpreted to be provided through a website). However, this has not been the case.

The Blue Ridge landfill expansion was deemed administratively complete on February 06, 2006. The application was filed on this date in order to be grandfathered prior to the revised Municipal Solid Waste Rule Revisions and Updates which were adopted on March 1, 2006, and effective on March 27, 2006. The current website provided by the Texas Commission on Environmental Quality (www.tceq.state.tx.us) and the Secretary of State (www.sos.state.tx.us/tac/) does not provide the public general access to rules and regulations for the **previous version** (emphasis added). The Executive Director's Response to Public Comments document refers to laws and regulations which the general public does not have easy access through their website and are difficult to verify the accuracy of the statements (and thus challenge the veracity of the arguments). This item will be reported to the general office of the Texas Attorney General for a review of applicable rules and regulations regarding public access and freedom of information.

I ask that the permit application be reconsidered, the public documents be made available in electronic format (as required by law), preferably by website, and the permit process be re-started (including public hearings, notifications, etc) to allow the general public access to the necessary information to challenge the permit application. Since the permit application has extended beyond one year from being administratively complete, I ask that the applicant re-file the permit with all applicable rules and regulations as are currently in place.

2. Landfill Incompatibility with Surrounding Communities / Land Use Summary
Discrepancies

In response to Comment 4 (page 13), the Executive Director wrote that "*MSW rules do establish limits on the effect a landfill or expansion will have on local community growth patterns. However, construction of landfills has typically not stopped development in the immediate vicinity. Development of Shadow Creek Ranch, immediately east of the existing facility, has continued towards the landfill in spite of its presence.*" As I pointed out previously (M. Rosetta comments to the TCEQ, #12), this is an absurd statement which is unsupported by facts. This statement is a regurgitation of the land use study in the initial permit application which is out of date and overlooks the dynamics of the current development. The current landfill scope (maximum height of 58 feet) has limited impact on the development of these homes in Shadow Creek because the landfill is out of site, out of mind (lower than the existing tree line and without a **visual impact** on the community). The vast majority of people buying the houses are unaware of the landfill (other than an occasional day where the landfill ground cover is inadequate and offensive odors drift over the community). There is no documentation or study (other than opinion) that the proposed change in scope at the landfill (height in excess of 170 feet which will be clearly visible for miles) will not have a detrimental effect on the future development of Shadow Creek (both residential and commercial). Internet chat rooms and blogs for Shadow Creek Ranch show a significantly different reaction to the proposed expansion regarding potential buyers; quite a few people are adamant about not buying in SCR if the proposed landfill expansion is approved. An independent study should be done using polling from those communities (primarily focused on perspective buyers) as to whether the existence of a 170 foot landfill will affect their decision to buy in the vicinity – **only then can an assessment be made as to whether the proposed landfill expansion will affect the future development of community.** It is the responsibility of the applicant to PROVE this landfill expansion will not damage the local community growth patterns (not just assert this point). Further to the point "*typically not stopped development*" (Executive Director's words) is different from "*MSW rules do establish limits on the effect* (emphasis added) of a landfill or expansion will have on local community growth patterns". Stopping a development and having an effect on the development are two completely different classifications and the applicant should quantify (through independent study) what are the limits of the applicable laws and where the proposed landfill expansion is anticipated to fall within.

3. Visual Impacts

The Executive Director assertion that visual impact studies or three-dimensional representations of the landfill are not considered in the decision to permit the expansion as an "end all rule" may be true, but the visual impacts of the landfill will contribute significantly to the "*compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest*". It is difficult to determine how the public will perceive the landfill (i.e. public interest and community growth patterns) without a visual picture of the completed landfill at the end of the cycle term. Given the technology available today at minimal cost, this is not an absurd request. A three

dimensional rendering will provide the public a chance to view the final landscape which will be beneficial in determining how the landfill **expansion** will ultimately affects the public interest and community growth patterns. This rendering drawing should be from three locations: Beltway / FM521 looking south, Broadway (FM 518) looking west, and FM 521 at Fresno looking north.

4. Traffic

The future traffic plans clearly identify using FM 518 as an access point for trucks. According to the Executive Director's response to previous comments, this not only includes typical garbage trucks but extremely large, semi-truck style, transfer vehicles. This road is/will be designated a "No Through Trucks" route between State Highway 288 and FM 521 (as reported by the Mayor of Pearland who has jurisdiction over this street). Currently, this street does not even go through to FM521. The permit must stand on its own merit and as such, the traffic study should be modified to include a route to the landfill for the 400+ trash trucks per day which avoids this street. If the permit is approved with the intention of using this road (as is currently outlined), the affect of the traffic on the local communities is inaccurate and filed under false pretenses. The traffic study should be modified to reflect this change and the permit must acquire revised approvals from the Texas Department of Transportation. The acceptance of the **knowingly** inaccurate traffic study suggests the Executive Director is not looking out for the best interest of the community and the environment regarding this proposed expansion.

5. Landfill Liner

In my previous comments to the TCEQ, I wrote "*The existing landfill was designed and built using a maximum height of 58 feet. Provide documentation that the additional 112 feet of compacted trash will not damage the existing liner installed in 1993. Provide support that the additional weight of the compacted trash will not cause the existing liner to fail due to the additional weight. Provide documentation that a landfill has been re-designed and or re-permitted in a similar fashion (in similar type soils found in southeast Texas) without problems.*" (November 27, 2006 letter filed with the TCEQ). Given the current information that the existing permit is a 60 mil membrane on top of two feet of compacted clay and the new sections will be a 60 mil membrane on top of three feet, this question seems a legitimate concern which the TCEQ failed to address in their previous response to comments. Will the existing cell be covered by the 60 mil membrane and three feet of compacted clay or will the new trash be compacted over the 60 mil membrane with two feet of compacted clay? This question was previously submitted and was not addressed by the Executive Director. Documentation of a landfill expansion that has been re-permitted in a similar fashion would be greatly appreciated (or is this serial number one). Again this was previously submitted and ignored in the response submitted by the Executive Director. Provide documentation that if the existing liner fails, what measures are in place to repair and/or stop the leak and what assurances do the local land owners have in terms of compensation for significant health affects, lower property values, etc. Again, this was previously submitted and overlooked in the response document.

6. Surface Water Control and Protection of Surface Water Features

The mandate given by Title 30 is that *"the primary concern is that the use of any land for an MSW site not adversely impact human health or the environment."* As pointed out by the Executive Director in the response document, the cause of the high fecal coliform in Clear Creek is unknown at this time (could be livestock, industrial, or the landfill). Prior to approval of the application, it is incumbent on the TCEQ and the applicant to PROVE through independent confirmation (sample study upstream and downstream of the landfill) that the source of the fecal coliforms is not from the existing landfill. Blue Ridge is trying to expand a landfill which may or may not cause this problem; TCEQ should verify independently and not just assert that the *"Executive Director believes that if the facility is constructed and operated as shown in the application and as required by rule, human health and the environment will be protected."* Meeting the "rule of law" as required is not an end all if the environment and public health is not protected.

7. Subsidence

Given the height of the proposed landfill expansion (170 feet above grade), subsidence could very well weaken or stretch the membrane to the point of rupture and / or loss of containment. While MSW rules do not require a determination of whether subsidence will be accelerated by a facility, the very fact the membrane could be compromised in such a scenario warrants investigation by the TCEQ and the applicant. The whole premise that the landfill is safe and protects the environment and public health is predicated on the integrity of the membrane containing **ANY** leaks. It is incumbent on the TCEQ and the applicant to provide documentation of what affect the proposed height of the landfill will have on the soil directly under the property and whether the additional weight of the mountain would accelerate the subsidence and cause an environmental catastrophe.

8. Exceptional aesthetic quality

In previous comments submitted to the Executive Director, I wrote that "No consideration was given to the Shadow Creek Ranch development and the "exceptional aesthetic quality" (Title 30, Part 1, Chapter 330, Subchapter E, Rule §330.53, Section D) of living in a master planned community. A mega landfill next to such a development will have a profound effect on the aesthetic quality of life for those living in said community. The image of sitting beside a lake and watch the sun set behind a mountain of trash seems counter to the intent and purpose of a master planned community. This was overlooked in the response document.

In the response to comments provided by the Executive Director, words such as "believes", "typically", and "expects" are used quite extensively. Given the mandate by the laws of the state of Texas to the TCEQ to protect human health and environment, these words do not calm the concerns of those citizens who will be affect by this landfill. The Executive Director should guarantee these items as factual given the potential significant consequences if additional information in the future changes one's "belief" or "expectations." Even if the landfill is

Request for Reconsideration of the Executive Director's Decision
Texas Commission on Environmental Quality (TCEQ)
Permit Application No. MSW-1505A

meeting the "rule of law" **but** causing harm to the environment or the community (including community development and growth patterns), action is warranted and any precursor steps that can be taken **now** to prevent these occurrences should be fully investigated. Given the issues raised, I ask that you reconsider the permit application.

Sincerely,



Martin J. Rosetta
2325 Bending Spring Drive
Pearland, TX 77584
(713) 443-5581 Cell
(713) 436-7291 Home
(713) 260-0443 Work

Have form local commit (4)
Submitted written commu

TCEQ Public Meeting Form

Thursday, December 7, 2006

Blue Ridge Landfill Tx, L.P.
Proposed Municipal Solid Waste
No. 1505A

RECEIVED
TCEQ
12/11/06
5:05 PM

PLEASE PRINT: s.

Name: Martin Rosetta

Address: 2325 Bending Spring Drive

City/State: Pearland TX Zip: 77584

Phone: (713) 443-5581

Please add me to the mailing list.

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

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

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

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

mw

M. Rosetta Comments
Texas Commission on Environmental Quality (TCEQ)
Permit Application No. MSW-1505A

November 27, 2006

Office of the Chief Clerk MC-105
Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, TX 78711

OPA RECEIVED

DEC 07 2006

AT PUBLIC MEETING

RE: Expansion of Blue Ridge Landfill
MSW-1505A

Dear TCEQ Executive Director:

I have concerns regarding the proposed expansion of the Blue Ridge Landfill and the adverse impacts on the quality of life for those living in Shadow Creek Ranch (major development directly to the east of the proposed landfill expansion). Some questions and/or comments regarding the proposed permit application are as follows:

1. The proposed traffic survey seems to have some conflicting information regarding the number of trash trucks per year and the overall volume of trash. The study refers to the number of trucks increasing from 599 (current) to 1476 (2044). However, the volume of trash increases from 3000 tons/day to 9600 tons/day. Unless the trash trucks are getting extremely large in the future (doubtful), the number of trucks required to handle the trash is severely underestimated by approximately 30%. Explain the apparent discrepancies. Please quantify the impacts of this additional traffic on the surrounding roads and the ability of the people living in these neighborhoods to navigate the increased heavy truck traffic.
2. The existing traffic study focuses primarily on FM521 (Almeda). Almeda is a one-lane, farmer's market type road with minimal shoulders at the proposed landfill expansion. Document and/or explain to what extent is BFI contributing financially for the cost of road expansion to accommodate the increased number of trucks in this area. FM521 should include turning lanes at a minimum to separate the large trash trucks from the local residential traffic. Explain to what extent the traffic study covers the viability of this road given the increased traffic and the future expansion of residential housing along FM521.
3. The future expansion calls for in excess of 400 trucks on the FM518 road to the south of Shadow Creek Ranch (also known as the future Broadway expansion). This is currently a two lane road with absolutely no shoulder. Public safety on this road is a primary concern since it is the major access for Shadow Creek Ranch residents to the on-going development to the east of Texas highway 288. Document and/or explain to what extent is BFI contributing financially for any of this road expansion since they appear to be one of the primary benefactors when the road is expanded. Keep in mind this road expansion will be predominately in Brazoria County and under the jurisdiction of the City of Pearland. The current road can not handle 400 plus trucks plus residential traffic in a safe manor.

MW

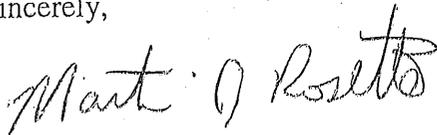
4. Currently, there is a proposed Town Center type mall being constructed immediately west of Texas 288 and south of 518. This area will be the site of extensive development over the next three to five years. The increased volume of daily trash trucks could have a negative impact on this development. Mixing residential traffic with heavy industrial trash trucks seems to be opposite the public's best interest. Explain to what extent a traffic study has been done in conjunction with the proposed mall development to ensure the public safety. During peak traffic times, there is already a severe backlog of residential traffic at the intersection of Texas 288 and the FM518. Provide information related to a traffic study which would include the future growth in the area (residential), commercial (due to the mall and other development), and industrial (trash trucks).
5. The proposed height of the landfill expansion is absurd to say the least. Landfills are typically in unpopulated areas or at such a level in height as to be out of site from the general public. Trees and/or shrubs are typically used as a view shield to prevent an impaired view. Provide information on the type of view shield which is available that would hide a 170 foot mountain. There is nothing in Brazoria or Fort Bend County which comes close to the proposed height of 170 feet above grade (235 feet above MSL). Provide justification for such a tall landfill; justify building up rather than out. Provide documentation of any other landfills in the surrounding area with a comparable height. Provide a computer generated 3-D rendering drawing of the landfill at the maximum height from several vantage points including from the Beltway 8 (north side) and from FM518 and Shadow Creek Parkway (FM2234) on the east side. This would allow the public to comment on the visual impacts the landfill expansion will have on the surrounding communities. Provide documentation and/or an independent study (other than opinion) that the expansion of the landfill will have no affect on the development of Shadow Creek Ranch if the landfill is visible from both the Beltway 8 and Texas 288 (land use survey states this opinion but fails to provide independent documentation on the subject).
6. The existing landfill was designed and built using a maximum height of 58 feet. Provide documentation that the additional 112 feet of compacted trash will not damage the existing liner installed in 1993. Provide support that the additional weight of the compacted trash will not cause the existing liner to fail due to the additional weight. Provide documentation that a landfill has been re-designed and/or re-permitted in a similar fashion (in similar type of soils found in southeast Texas) without problems. Provide documentation that if the existing liner fails, what measures are in place to repair and /or stop the leak and what assurances do the local land owners have in terms of compensation due to lower property values from a potential catastrophic leak.
7. Failures of storage tanks are a common concern and steps are usually in place to mitigate a catastrophic failure. Provide design criteria of the containment system to be installed around the leachate storage system to contain a catastrophic failure of one of the tanks. Provide an impermeable berm or earthen dike to contain a spill from leaving the property and/or contaminating the canal of the south side of the property (American canal). Provide documentation that the leachate liquid would not swamp the berm or dike and has proper slope and height for wave run-up during a catastrophic failure.

8. Provide design criteria of the type of odor control system which will be installed on the leachate storage tanks. Provide documentation of the effectiveness of this type of system. Provide information regarding the current odor suppression system. Note that on certain days when the meteorological conditions are right, odor from the current landfill can be detected at my house which is approximately 1 ½ miles east of the landfill. Justify why the existing landfill does not have an odor suppression system installed. Provide documentation that the chemical drift from the Odorization system will not carry or disperse over the surrounding communities. Provide documentation (MSDS data sheets) on the chemical used in the odorization system.
9. Justify a lack of any surface monitoring system for either the Mustang bayou or the American canal to monitor seepage. Justify the location of the proposed ground water monitoring system given the proposed spacing versus the importance of this canal to local residence.
10. The land use study states that "local governmental entities have granted a series of special permits or approvals for and agreements with the landfill." However, the approvals have all been from Fort Bend County, Missouri City, and a traffic study approval from the City of Houston for Almeda. At no point has there been any approval from Brazoria County and/or the City of Pearland which will abut the proposed landfill property. Further to the point, several major streets which will be used as the primary supply routes for the landfill trucks will be built and maintained by Brazoria County including the proposed FM518 expansion. BFI should obtain approval from Brazoria County and the City of Pearland to ensure the design of the streets will be fit for purpose for trash trucks access.
11. The land use study states that "the character of surrounding land is predominantly vacant or undeveloped." While this is somewhat true today, the area is experiencing explosive growth during the past few years and the trend is expected to continue for the next six to ten years. The land use study should reflect this anticipated growth in the developing communities like Shadow Creek Ranch (SCR) and re-calculate the land use percentages. Further to the point, the study claims that one church, no schools, or day care centers are within the one mile area. However, the proposed SCR layout clearly shows two (2) future schools within a ½ mile of the proposed landfill expansion. Two (2) existing daycare centers are currently within 1 ½ miles of the landfill. The future expansion will have a visual affect on these areas unlike the current permit which limits the height to 58 feet.
12. The land use study claims "Shadow Creek Ranch is developing despite the presence of the landfill and there is no indication that this trend will abate." This is an absurd statement which is unsupported by facts. Provide evidence and/or an independent study to collaborate that the development will continue with the expansion of the landfill to 170 feet above grade especially since the future growth will be in the shadow of the future landfill mountain. There is a huge difference in the perception by local residence between the current scope of the landfill and the proposed expansion.

13. Provide meteorological data to support the prevailing winds (wind rose study) will carry the obnoxious odors away from the local communities.
14. Typically, alternative sites have to be evaluated and compared to the proposed site. BFI should justify the expansion of the Blue Ridge landfill in lieu of locating a new site in less densely populated areas or areas which are not experiencing tremendous growth. There is nothing in the permit application supporting this site as the most preferred site for a future landfill.
15. In general, the Houston area has problems with subsidence. Provide documentation on what affect the proposed height of the landfill have on the soil directly under the property. Provide documentation that the additional weight of the mountain of trash would not accelerate the subsidence directly under the landfill.
16. Provide information pertaining to what type of guidelines and/or controls will be in place to prevent trash from being blown out of the back of the trash trucks traveling to and from the landfill. Keep in mind this area is undergoing tremendous growth and development and within a few years, both McHard Road (also known as Shadow Creek Parkway or FM2234) and FM518 (future Broadway expansion) will have extensive commercial building on both sides of the road.

I do not consider myself a strict environmentalist or a NIMBY type person; in fact I work in the oil and chemical industry. I have no problem with the landfill in the current scope because the landfill was there first and the size and scope is consistent with the neighborhood and the surrounding area (similar to size and scope of the landfill currently capped under Wildcat golf course). However, the scope and size of the landfill expansion is way more than any neighborhood should have to endure. A landfill with a height of 170 is completely out of touch with the surrounding communities. As I mentioned before, landfills should be out of site. BFI is trying to permit the expansion facility prior to the economic development fully hitting the area where opposition will be firmly entrenched. I am deeply concerned the expansion of the landfill will have a direct and immediate effect on the property values in Shadow Creek Ranch. I ask that you reject the expansion of the landfill due to the impact on the neighboring communities and the visual blight the trash mountain will have on the area.

Sincerely,



Martin J. Rosetta
2325 Bending Spring Drive
Pearland, TX 77584

M. Rosetta Comments
Texas Commission on Environmental Quality (TCEQ)
Permit Application No. MSW-1505A

December 7, 2006

Office of the Chief Clerk MC-105
Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, TX 78711

OPA RECEIVED

DEC 07 2006

RE: Expansion of Blue Ridge Landfill
MSW-1505A

AT PUBLIC MEETING

Dear TCEQ Executive Director:

Previously, I had submitted concerns regarding the proposed expansion of the Blue Ridge Landfill and the adverse impacts on the quality of life for those living in Shadow Creek Ranch (major development directly to the east of the proposed landfill expansion). Some additional questions and/or comments regarding the proposed permit application are as follows:

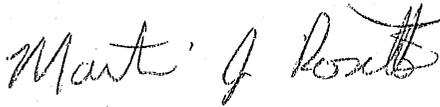
1. The existing rule defines the influence of a landfill as the land within a one (1) mile area of the proposed facility. While this is probably true for a typical landfill built in the past (maximum height of around 50 to 60 feet), this limitation does not apply to a mega landfill which can approach 200 plus feet. One can not reasonably argue that a 50 foot landfill has the same sphere of influence as a landfill of 200 feet in height. The foul odors, blowing trash, and most importantly, visual blight can have an effect at substantially greater distances. The zone of influence should include any property which can reasonably "see" the landfill at the anticipated final height (i.e. in this case, 170 feet). The land use study should be recalculated using this as the basis.
2. Title 30, Part 1, Chapter 330, Subchapter E, Rule §330.53 sites several factors in determining the surrounding land use when siting a municipal solid waste site. According to the statute, the "*impact of the site upon a city, community, group of property owners, or individual shall be considered in terms of compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest.*" The Land use analysis for the Blue Ridge Landfill falls short of considering all of these factors and the impacts on those residents in Shadow Creek Ranch. The study does not take into account:
 - Explosive growth and development in this area (particularly Shadow Creek Ranch).
 - No approval from the city of Pearland or Brazoria County has been obtained even though the zone of influences clearly enters their jurisdictional area.
 - The land use survey was completed in September 2005; since that time there are two new expansions directly south of FM518 which would fall within the "zone of influence" of one (1) mile.
 - No consideration was given to the Shadow Creek Ranch development and the "*exceptional aesthetic quality*" (Title 30, Part 1, Chapter 330, Subchapter E, Rule

M. Rosetta Comments
Texas Commission on Environmental Quality (TCEQ)
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- §330.53, Section (D)) of living in a master planned community. A mega landfill will have a profound effect on the aesthetic quality of life in a master planned community.
- The report does not take into account the substantial business and commercial development occurring along FM2234 (McHard Road) and along the proposed FM518 expansion (future Broadway Road).
 - The report does not quantify the impact on the future school located within a ¼ mile of the landfill.

In my mind, BFI is trying to permit the expansion facility prior to the economic development fully hitting the area where opposition will be firmly entrenched. I am deeply concerned the expansion of the landfill will have a direct and immediate effect on the property values in Shadow Creek Ranch. I ask that you reject the expansion of the landfill due to the impact on the neighboring communities and the visual blight the trash mountain will have on the area.

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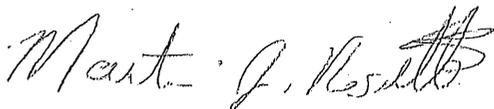
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M. Rosetta Comments
Texas Commission on Environmental Quality (TCEQ)
Permit Application No. MSW-1505A

13. Provide meteorological data to support the prevailing winds (wind rose study) will carry the obnoxious odors away from the local communities.
14. Typically, alternative sites have to be evaluated and compared to the proposed site. BFI should justify the expansion of the Blue Ridge landfill in lieu of locating a new site in less densely populated areas or areas which are not experiencing tremendous growth. There is nothing in the permit application supporting this site as the most preferred site for a future landfill.
15. In general, the Houston area has problems with subsidence. Provide documentation on what affect the proposed height of the landfill have on the soil directly under the property. Provide documentation that the additional weight of the mountain of trash would not accelerate the subsidence directly under the landfill.
16. Provide information pertaining to what type of guidelines and/or controls will be in place to prevent trash from being blown out of the back of the trash trucks traveling to and from the landfill. Keep in mind this area is undergoing tremendous growth and development and within a few years, both McHard Road (also known as Shadow Creek Parkway or FM2234) and FM518 (future Broadway expansion) will have extensive commercial building on both sides of the road.

I do not consider myself a strict environmentalist or a NIMBY type person; in fact I work in the oil and chemical industry. I have no problem with the landfill in the current scope because the landfill was there first and the size and scope is consistent with the neighborhood and the surrounding area (similar to size and scope of the landfill currently capped under Wildcat golf course). However, the scope and size of the landfill expansion is way more than any neighborhood should have to endure. A landfill with a height of 170 is completely out of touch with the surrounding communities. As I mentioned before, landfills should be out of site. BFI is trying to permit the expansion facility prior to the economic development fully hitting the area where opposition will be firmly entrenched. I am deeply concerned the expansion of the landfill will have a direct and immediate effect on the property values in Shadow Creek Ranch. I ask that you reject the expansion of the landfill due to the impact on the neighboring communities and the visual blight the trash mountain will have on the area.

Sincerely,



Martin J. Rosetta
2325 Bending Spring Drive
Pearland, TX 77584

To TCEQ MC-124
P.O. Box 13087
Austin TX 78711

HR/OPA

JUL 31 2006

219 FM 521
Arcola Tx 77583
832-758-2541

MSW-1505A

July 25, 2007

Hi; TCEQ

MSW
5/8/05

RECEIVED

JUL 28 2006

WASTE PERMITS DIVISION
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
LLH

CHIEF CLERKS OFFICE
2006 JUL 28 PM 1:43

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Requesting a public hear if needed to oppose expansion permit of TCEQ MSW-1505A Landfill effecting public in around Pearland city, city of Arcola, Missouri City and Fresno's Fort Bend Fresh Water Supply District # 1, that this Landfill is zoned into this Fresh Water Supply District #, plus it is polluting American Waters, Mustang Bayou and Clear Creek protected under the 5 year term of section 404 of Army Corp of Engineers. Help save our ground waters and private water wells inside Fresno a historic 6000 Acre community sub-divided in 1956

DUE DATE

8-27-06 NR

WWC#

11425397

PM

5:00 et 1)

TEAM I II

Thank You

Green Trees
GREEN Trees