

10-18-05

47983
MSW

Tommy Aslin
P.O. Box 1332
Mineral Wells TX 76068
tommy.aslin@trin.net

My concern is in regards to the amount of rainfall that could cause the site to overflow and contaminate the surrounding areas. The proposal provides for a 25 year rainfall of just over 7" in a 24 hour period, and 9" for a hundred year event.

This is not enough of a buffer to keep the site from overflowing as we have recently had a 14" rain event in the area where the proposed dump is planned.

I respectfully request that the permit be denied and at the very least a contested hearing.

Tommy Aslin

OPA RECEIVED

OCT 18 2005

AT PUBLIC MEETING

TCEQ Public Participation Form
City of Jacksboro
Public Meeting
Proposed MSW Permit No. 2332
Tuesday, October 18, 2005

CHIEF CLERK'S OFFICE

OCT 19 11:27

PLEASE PRINT:

Name: TOMMY ASLIN
Address: 2083 HOLDERS Chapel Rd.
City/State: Weatford TX Zip: 76088
Phone: (817) 269 3088

Please add me to the mailing list.

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

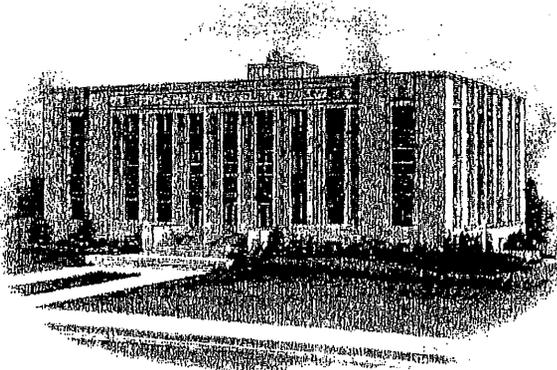
IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

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.

JACK COUNTY



MITCHELL G. DAVENPORT
COUNTY JUDGE

100 MAIN, SUITE 206
JACKSBORO, TEXAS 76458

(940) 567-2241

FAX: (940) 567-5502

EMAIL ADDRESS: countyjudge@jackcounty.org

JACKSBORO, TEXAS

*MSW
47983*

OPA H

OCT 30 2007

BY *[Signature]*

2007 OCT 29 PM 3:40
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

October 29, 2007

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

Re: Request for Contested Case Hearing by Jack County Commissioners Court - TCEQ
Docket No. 2007-1302-MSW (Municipal Waste)

Regulated Entity Name, Regulated Entity Number: Jacksboro Landfill,
RN104575436

County, TCEQ Region: Jack, Region 3 - Abilene

Permit Number: 2332

Dear Staff:

The Commissioners Court of Jack County has adopted the following resolution requesting the submission of this matter to a full contested hearing on this matter prior to granting the permit.

Thank you for your time and consideration.

If there are any questions in this matter, do not hesitate to contact this office. I remain

Sincerely yours,

[Handwritten Signature of Mitchell G. Davenport]
MITCHELL G. DAVENPORT
County Judge - Jack County, Texas

pc: Commrs, Senator Craig Estes, Rep. Rick Hardcastle, Mr. Bob Neis (IBSI)

MSW

COUNTY OF JACK

STATE OF TEXAS

RESOLUTION REQUESTED HEARING ON LANDFILL APPLICATION, No. MSW 2332, PENDING BEFORE THE TEXAS ENVIRONMENTAL QUALITY COMMISSION

WHEREAS, an application No. MSW 2332, is currently pending before the Texas Commission on Environmental Quality and filed by IESI TX LANDFILL LP, CN601668486;

WHEREAS, the proposed site is included in its entirety within the jurisdictional bounds of Jack County, a local government and a political subdivision of the State of Texas;

WHEREAS, we constitute the Commissioners Court of Jack County as the duly elected representatives of all the people of this county;

WHEREAS, there are a number of our citizens who have raised serious concerns over the location of this proposed facility, its manner of construction, and potential impact on water and safety of our residents not only now but in the future;

WHEREAS, while there are a number of our citizens who though they have expressed no opposition to this permit firmly believe that all of our friends and neighbors in our county should be given every opportunity to set forth their concerns especially in light of the serious and irreversible measure being proposed;

WHEREAS, the issues raised thus far include the decrease of property values in the vicinity of the proposed site; potential contamination of soil and water in the area; and endangerment of human life;

NOW, THEREFORE, we request that the Texas Environmental Quality Commission set and conduct a full, contested hearing in Jack County on this application to allow all of the voices in this matter to be heard and to insure that all concerns have been heard and all questions completely answered prior to proceeding any further in this matter.

PASSED, APPROVED AND ADOPTED on the 29th day of October A.D. 2007.

COUNTY OF JACK

By: Mitchell G. Davenport
Mitchell G. Davenport,
County Judge of Jack County, Texas

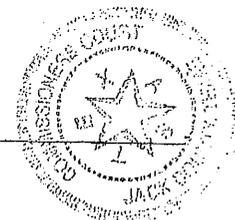
Joe Paul Nichols
Joe Paul Nichols,
County Commissioner, Prct. 1, Jack County

Byson K. Sewell
Byson K. Sewell,
County Commissioner, Prct. 2, Jack County

James L. Cozart
James L. Cozart,
County Commissioner, Prct. 3, Jack County

M.R. Pruitt
M.R. Pruitt,
County Commissioner, Prct. 4, Jack County

ATTEST:
Shelly Clayton
Shelly Clayton,
County Clerk of Jack County, Texas



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 OCT 29 PM 3:41
CHIEF CLERKS OFFICE

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

*MSW
47983*

via Fax to 512-239-3311
and regular mail

CHIEF CLERK OFFICE
JAN 19 PM 4:00
OEA
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
HR
RFR
JAN 22 2007

Re: Opposition to proposed Jack County Landfill
MSW# 2332
Public Comment, Complaint, Request for an Additional Public Meeting, Request
for Reconsideration, and Request for a Contested Case Hearing.

BY DM

Dear Clerk,

It has come to my attention that the TCEQ has issued a preliminary decision that the requested Permit Application by IESI meets all statutory and regulatory requirements.

I would respectfully request that this decision be reconsidered and upon reconsideration the approval be denied. Furthermore, I would request another public meeting and a contested case hearing

I realize that complaining about the disastrous effects of this landfill on quality of life and property values is not within this Commission's field of consideration and I will therefore not address them at this time. It is my understanding however, that pollution of natural resources is squarely in the area of consideration and I lodge this complaint on those grounds.

The proposed Landfill at this location represents a horrific threat to our precious shallow groundwater. I realize that this company says it is going to use this liner and that liner, but the fact of the matter is that they will eventually leak. I believe there is a mountain of evidence out there from other landfill disasters that verify this point. When they do, be it two years, ten years, or twenty years, it will contaminate our very limited and shallow underground aquifer. Also, with such a shallow underground aquifer, any kind of landfill runoff will pose a threat to contaminating our water through the prevalent sandy soil.

On the question of the depth of the groundwater, I have a water well on my property nearby that is only 30-35 feet deep. It makes and holds water in the bottom 15 feet of the well with 1600 gallons of underground storage. It is an old hand dug well that is reportedly well over 100 years old and has always been a source of good fresh water. If this landfill is allowed to be placed at a location with such shallow groundwater, contamination is a virtual certainty. I am aware that adjoining property owners have good water wells at depths of less than 100 feet. Why would our government allow placement of a landfill at such a vulnerable location?

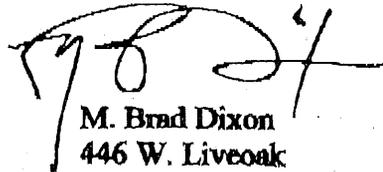
MSW

As the appointed or employed representatives of the People of this State, I beg of you to look at this with a common sense, logical approach. I am aware that giant corporations can hire engineers and experts that can come up with all sorts of findings and conclusions to benefit their employer or client (in this case IESI). The local victims of this proposed disaster can't compete with multimillion dollar corporations in this regard. It is up the representatives of the People, ie, TCEQ, to stand up with them and for them and not let themselves be fooled by expensive, biased, engineering reports that run counter to common sense.

I may not be an engineer, but I know that placing a huge dump on top of a shallow aquifer is asking for trouble. I don't see any other logical conclusion.

Therefore, I would respectfully request that the TCEQ hold another public meeting, reconsider any decision to approve the requested permit, hold a contested case hearing, and deny the permit in its entirety and in this way, fulfill its duty to protect the regular, hard working, tax paying People of Texas.

Sincerely,



M. Brad Dixon
446 W. Liveoak
Jacksboro, Texas 76458
(940)567-6855
e-mail- braddixon2@yahoo.com

MSW
47983

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

2007 JAN 22 PM 3:15

via Fax to 512-239-3311
and regular mail

PM
OPB
RFR
HR

CHIEF CLERKS OFFICE

JAN 23 2007

Re: Opposition to proposed Jack County Landfill
MSW# 2332
Public Comment, Complaint, Request for an Additional Public Meeting, Request
for Reconsideration, and Request for a Contested Case Hearing.

BY DN

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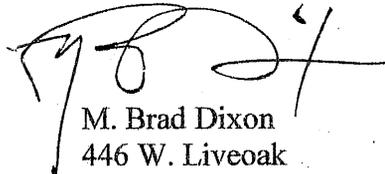
MSW

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Therefore, I would respectfully request that the TCEQ hold another public meeting, reconsider any decision to approve the requested permit, hold a contested case hearing, and deny the permit in its entirety and in this way, fulfill its duty to protect the regular, hard working, tax paying People of Texas.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Brad Dixon', with a stylized flourish at the end.

M. Brad Dixon
446 W. Liveoak
Jacksboro, Texas 76458
(940)567-6855
e-mail- braddixon2@yahoo.com

NSW
47983

CHIEF CLERK'S OFFICE

TEXAS
COMMISSION ON
ENVIRONMENTAL
AUG 13 PM 4:56

August 10th, 2007

M. Brad Dixon
446 W. Liveoak
Jacksboro, Texas 76458
Daytime Phones: 940-325-2288, 940-682-5477, and 940-567-6855
Fax No: 940-325-2299

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

ALSO VIA FAX: 512-239-3311

OPAH

Re: IESI TX Landfill LP
Permit No. 2332

AUG 13 2007

BY *JS*

REQUEST FOR A CONTESTED CASE HEARING

To the Commission,

I respectfully request a contested case hearing on the above referenced application.

I am an "affected person" because my property (approximately 180 acres) is 2.5 miles north of the intersection of Texas Highway 199 and FM 1156, less than 4 miles from the proposed facility. Most of this property is "bottom land" with sandy soils and very shallow groundwater (approximately 20 feet from the surface). Additionally, a large creek runs through the property and is surrounded by large mature trees, most of which are very large pecans.

Good groundwater is very precious anywhere, but particularly in a area of Texas where it is so sporadic. It is common knowledge in this area that underground aquifers are "streaky", meaning that you can drill one place and hit nothing but dust for hundreds of feet and move over a few feet and you might hit water at 20 feet. In my case, I don't know how many tries it took, but there is an old hand-dug well in my pecan orchard that is approximately 35 feet deep, with the water level at approximately 20 feet. The well is reported by the older folks around here to be over 100 years old. It is proof positive that the groundwater in this area is very shallow in places. Underground aquifers can and do stretch for miles. Contamination of the shallow aquifers in this area would jeopardize not only my water, but everyone's water in the area.

Since the groundwater is so shallow, at least on my place, it has to be recharged by surface run-off in the local area.

I realize (as does everyone) that the proposed landfill will destroy property values anywhere near it, but as I understand it, that is not a concern of the Commission in

MW

approving this permit, so I will limit my opposition to two things that the Commission does consider and that affects me, and that is the contamination of groundwater both through leaching and surface run-off. In other words, "Is this an appropriate place, from a geological and environmental standpoint, to locate a large landfill?"

The two concerns I mentioned above would seem to me to be two of the most important factors to consider in deciding whether this permit should be approved. In looking at the proposed site from that standpoint, it would appear to be obvious that this **IS NOT** an appropriate location for a landfill. The location is subject to major run-off (it is in one of the highest areas of the county) and the groundwater in this area is shallow (20 feet in my case) and the soil is sandy. In all seriousness, I question whether you could find a worse location for such a facility from a geological and environmental standpoint. Wouldn't it be much more appropriate to locate the landfill in an area where it wouldn't pose such a risk to the environment rather than put it in a "high risk" area and then try to "fix" all the potentially disastrous results by "this system" or "that liner", etc, all of which are subject to construction error, negligent installment, questionable monitoring and undeniable eventual decay?

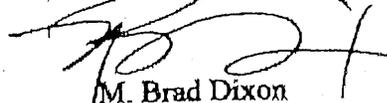
As far as the specific comments, I notice that my name wasn't mentioned in any of the comments about the impact on water safety, although my previous correspondence identified just this point. I do not know why it wasn't, but I again state that my main concern is for the safety of the water and all that goes with it.

The responses of the Executive Director seem to be based on unchallenged conclusions by "experts" hired by the applicant. At the very least, a contested case hearing should be granted so that the opponents can at least question and test their conclusions. This, I believe, is a basic principle of due process and something the victims of this landfill are entitled to.

Lastly, I would like to again comment that we opponents are mostly just ordinary people. We are not on a level playing field with the applicant. The applicant is a multimillion dollar entity which is spending hundreds of thousands of dollars on experts they are hiring to reach the conclusions they desire. It is a well funded business venture on their part with their ultimate goal being millions and millions of dollars in profit with no true concern about the devastation it will cause to the environment and the people of the area. We opponents have to spend most of our time working, paying bills, raising families, and fulfilling the responsibilities of everyday life. We can't match the financial resources of the applicant by hiring dozens of experts to oppose their experts, etc. We must rely on our government representatives (in this case, the TCEQ) to protect us and our rights.

Again, I would respectfully request a contested case hearing on the issues discussed above.

Sincerely,



M. Brad Dixon

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Again, I would respectfully request a contested case hearing on the issues discussed above.

Sincerely,



M. Brad Dixon

August 6, 2007

REQUEST FOR A CONTESTED CASE HEARING AND SECOND PUBLIC MEETING

RE: IESI TX Landfill LP
Permit No. 2332

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 AUG - 8 AM 9:29

CHIEF CLERKS OFFICE

MSW
47983

My Information:

BJ and Shelly Haffly
8751 FM 2210 E
Poolville, Texas 76487
Jack County, USA
940-374-3502 Home
940-374-3502 Fax
817-253-6664 Cell Shelly
817-308-2443 Cell BJ
shelly@haffly.com

H OPA PM
AUG 08 2007

BY *W*

Dear Sirs:

We officially request a contested case hearing regarding the IESI TX Landfill Permit No. 2332.

In reference to the document: Executive Director's Response to Public Comments, all rules states were from the rules prior to March 27, 2006 which are no longer applicable, are difficult to find and review as public records on the TCEQ website, and should not be applied to this permit as it is clearly 2007.

As noted in response 1, the City of Jacksboro was the original applicant and during their initial public meetings held in partnership with IESI, they presented to the public that the landfill was a 'done deal'. Many of the local land owners and interested persons were told that it was a final decision and to this day think that they cannot speak up about the decision.

As noted in comment and response 2, proper notice to property owners within 1/2 mile is not a fair and widespread notification in a rural area where property owners are usually further apart than 1/2 mile. Property owners within 1/2 mile would ONLY encompass adjacent property owners and clearly many more property owners will be affected than those just adjacent to the property.

As noted in response 4, the 'substantial public interest' has been met, but not recognized by the TCEQ. The Two Bush Community Action Group consists of more than 10 members and their lawyer, Marisa Perales, has filed many briefs on behalf of the organization.

As noted in response 5, IESI cannot/will not be able to contain the smells or provide an adequate barrier around the facility because it is located at the highest elevation point with in a 25 mile area. It will not be able to contain flood waters such as that which occurred during the Spring and Summer of 2007. By the time 'corrective action' for contamination is necessary, it is too late. People, livestock or plant life will be affected, maybe for life. You are playing with real human lives something that should not be gambled on.

MSW

As noted in response 6, storm waters such as that which occurred in Spring/Summer 2007 will not be contained. Adjacent properties have ponds that feed their neighbors ponds, which feed MY neighbor's ponds, which feed my pond. The landfill construction design is on the highest hill in the area. Everything flows downhill. I repeat it is sitting on the highest elevation in the area and right on top of the Trinity Aquifer. You are not going to contain that much trash on top of a crumbling hilltop.

As noted in comment/response 9, the small county area volunteer fire fighting staff do not have the training, facilities, or equipment to fight, maintain or control a fire should one occur. No amount of training can contain a fire that is sitting on the highest hill in the area.

As noted in response 26, the TCEQ ED did not address the comment. You mentioned that the information was in the application, but your response did not answer the question or comment. Because information was submitted with the application doesn't mean that it addressed the situation or that the matter is settled. The ED, owners, operators or most especially the city of Jacksboro do not care if the rural residents of the county are impacted EVERY day by the site, smell, and traffic created by this landfill. You did not address the comment. This landfill would be better suited in an industrial area, not a ranch and farming community, on the highest elevation in the area.

As noted in response 28, the facility will be placing it's contaminated water into the ground. My well is tapped into the same drainage area that the facility will be relieving itself. IESI cannot guarantee that the local well water will not be affected. We do not have any other resources for water. What happens when it is discovered that our wells are contaminated? Will IESI pay for our well testing every year? When will we know that our water is contaminated? After we're diagnosed with cancer like in the Love Canal case?

As a large land owner within a five mile radius of the proposed landfill, we feel that we, our water, our horses and cattle will be adversely affected for many years if the landfill is permitted to be constructed at the proposed location. The proposed location is at the highest elevation point within 25 miles. It will be above everything around it. Because we live southeast of it's location, the wind flows predominantly from the north west, we will be impacted continuously for the remainder of our lifetime.

Our only available source of drinking water is a well. That well is sourced by leached water from the ground sources around us and the Trinity Aquifer. Because the proposed site is a much higher elevation than any other property in this entire area, and there are two creek beds that envelope the entire proposed location, and due to the latest floods, IESI cannot promise or guarantee that there will not be seepage into the local water aquifer. Waiting until there is a crisis is too late. Once our water source is compromised, we cannot turn back.

It is evident by the Trinity Aquifer maps available on the TCEQ web site, that any location 15 miles west (or more) of the proposed location would be a much better and safer alternative. Even though the TCEQ may not have the authority to make the applicant move, a stern suggestion by the very people who claim Environmental Quality, would be a move in the right direction. Developing a trash dump at this elevation is not very sensible, on any level, and looking at the water maps of the area just make it even more evident. Common sense would tell anyone that moving the facility over by even just 15 or miles would completely remove it from the aquifer area, and certainly off the highest hill in the area.

We have had two flood situations within the past 5 years. This year alone, we received a record 10 inches of rain in one day. Other days we received 6, 3, 4, 2, 5, or more repeatedly. IESI would not be able to contain the trash, and contaminated water during flood situations because they are on the highest elevation in this area. Water will flow down hill, and directly into the attached properties ponds, which feeds the adjacent properties ponds, which feeds my neighbors ponds, which then feed into mine. My property flooded 2210 every day for a solid week. That water flowed into other major creek beds in the area which then fed into Lakes Bridgeport, and Eagle Mountain.

Horses and cattle are necessary animals in rural communities and water is vital to their health. We do not want our animals sick or dead.

The smell of trash on a hot summer night is not acceptable. We bought this property to get away from the exhaust, the crowds, and the stench of the city. Please reconsider the location of this facility. At the highest elevation point, it will impact this community far greater than if it was at ground level. Surrounded by two major creeks, IESI will not be able to contain the water in a flood situation. Our roads are two lane roads and the City of Jacksboro does not allocate enough funds for these rural county roads. Our tiny roads will not withstand the increased traffic. Traffic fatalities will increase. Wrecks will increase.

Please, think of OUR Environmental Quality as you discuss this permit. Have them move it somewhere other than the highest hill in the county and away from our already shaky water resources. During drought situations our water is already terribly bad. This is only going to make it worse.

Sincerely,



BJ and Shelly Haffly



GEOCHEM DATA, INC.
P.O. BOX 38548
Dallas, TX 75238
214-341-5771

COPY
JAN 18 PM 3:15
CHIEF CLERKS OFFICE
TEXAS
COMMISSIONER
ENVIRONMENTAL
QUALITY

HAND DELIEVED AT TWIN CREEKS MEETING
JACKSBORO TX

October 18, 2005

OFFICE OF CHIEF CLERK
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

CITY OF JACKSBORO MUNICIPAL SOLID WASTE LANDFILL PERMIT
APPLICATION 2332.

QUESTIONS, DEFICIECIES, ISSUES AND OBJECTIONS
CONCERNING
PERMIT AND SITE DEVELOPMENT PLAN (dated March 2005)
BY BIGGS AND MATHEWS,

Honorable Commissioners and Concerned Citizens:

The following comments are prepared for oral presentation during the formal public meeting on this date convened by the TCEQ at the Twin Lakes Community Center, Jacksboro, TX. This written transcript should accompany and be compared to the oral transcription of my remarks for completeness. This study was prepared for and at the request of the TWO-BUSH COMMUNITY ACTION GROUP.

The three-volume permit application prepared by Biggs & Mathews has been examined. We question and object to certain interpretations, opinions, and conclusions. Our dissension is partially based on the analysis of different data sets, that we think more appropriate and germane to the site. We focused on the (a) suitability of the site; (b) the engineering design of the facility; (c) environmental air and water hazards; and (d) contemplated demographic lifestyle alterations to citizens currently living in the area. These issues will be discussed as follows:

GEOLOGICAL SUITABILITY OF THE SITE

Trinity Aquifer

The site is located on the outcrop of the Trinity group of formations. This is one of the five most important subsurface aquifers in the State. Aquifers are partially recharged by water influx at the outcrop accompanied by downward percolation through permeable overburden. If located on the Cretaceous, landfills should be on impermeable formations such as the Taylor Marl and the Eagle Ford Group wherein water movement is normally slow. These impervious clay rich formations contain clay minerals that remove impurities through cation exchange and adsorption of organic substances/molecules. Biggs & Mathews did not consider the clay mineralogy of the soil and the subsoil nor did they pay careful attention paid to the soil texture. Soil texture is determined by particle size distribution. Experienced soil scientists can qualitatively determine mineralogy and texture by feel and visual inspection. The clay fraction starts at less than 2 microns. The higher the sand and silt sized fractions, the more permeable and porous the soil. Soils and sediments of the Trinity have both the wrong mineralogy and texture for a landfill site. This statement is supported by the Biggs & Mathews study of drill cuttings from sub surface borings

Water movement, under static conditions in the subsurface is slow, as noted by Biggs & Mathews; however, the movement dynamics change once withdrawal or pumping begins. Water will flow to the lowest point as depicted on the potentiometric surface, which from the site is to the south-southeast. Interested parties should consult publications of the Texas Water Development Board for studies in this area. Biggs & Mathews did not adequately evaluate the velocity of water movement in the subsurface. In our opinion the sub surface descriptions of cuttings in the examination bore holes indicated a very porous subsurface unsuitable to exist beneath a landfill.

We request a tabulation and identification of the compounds that will analyzed in the monitoring wells, the method of chemical analysis, the laboratory methods used, and the frequency of analysis and the limits of detection.

TRINITY WATERSHED

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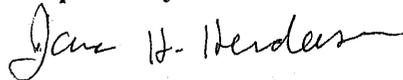
DISCLOSURE

The Undersigned owns a farm adjoining the site and has a financial interest in seeing that the Landfill Application 2332 is rejected.

CONCLUSIONS

Our analysis of geological, hydrological, environmental, oil and gas resources, demography, soil types, topography, existing infrastructure, semi-wildness areas allow the conclusion that the TCEQ should deny the application by the City of Jacksboro. In our opinion, this is very ill conceived project, which may lead to serious consequences of an unpredictable and unwanted nature.

Respectively submitted,



James H. Henderson, Ph.D.
President

Society of Independent and Professional Earth Scientist, Number 1005
Certified Petroleum Geologist Number 4129
Certified Petroleum Geologist Number 2495

*MSW
47983*

James H. Henderson
10118 Mapleridge Dr.
Dallas, TX 75238-2151

214-348-0636
jhenderson1461@sbcglobal.net

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
7007 0710 002 5915 8882
& Telecopier 512-239-3311

August 3, 2007

Donna Castanuela
Office of the Chief Clerk
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA H
AUG 06 2007
BY

CHIEF CLERK'S OFFICE

2007 AUG -3 PM 2:38

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Application by TCEQ for MSW Permit No. 2332

Dear Ms. Castanuela:

I request a contested case hearing on the above application. Please use the contact information above for future communications on this matter.

My 235 acre farm adjoins the landfill tract. This proximity designates me an "interested" party and land owner. I have three water wells on this farm and I use ground water for household use and for livestock. The groundwater hydraulic gradient (potentiometric surface) indicates the flow of subsurface fresh water within the Trinity Aquifer from beneath the land fill site to a position beneath my farm. Furthermore, a significant portion of my farm is topographically lower than the elevation at the landfill site and flows drain on Jasper Creek. I am particularly vulnerable to contamination of surface water, groundwater and soil from substances that will be introduced into the landfill. The proposed landfill site will create significant additional environmental and human health hazards which I have elucidated in my prior written comments and communications to the Commission.

The Executive Director's response (forwarded to me under cover of your letter dated July 11, 2007) to my comments of January 11, 2007, is erroneous, incomplete, and evasive. I plan to present technical evidence at the hearing requested which will justify the denial of this MSW permit by the TCEQ.

Respectfully submitted,

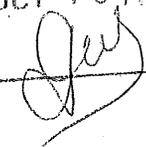
James H. Henderson
James H. Henderson

MSW

OPA

OCT 10 2005

BY



James H. Henderson
10118 Mapleridge Dr.
Dallas, TX 75238
214-348-0636

October 6, 2005

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

Re: Proposed Permit Number 2332, Municipal Solid Waste

*MSW
2332
177983*

Honorable Commissioners:

The purpose of this letter is to formally notify you that I oppose and object to your granting the application put forth by the City of Jacksboro for a municipal solid waste disposal site as outlined in Application 2332. My farm adjoins the East Side of the property being proposed for the land field. A tenant lives in the house located on this farm.

The implementation of an active landfill would result in a significant economic loss in the value of my property because the market would recognize the serious threat this facility would pose to the safety, health and well being of humans, wildlife and livestock. Maintenance of the purity of the water quality in underlying Trinity aquifer is a prime concern and has been carefully regulated by the Texas Water Development Board. I source this ground water for the house and for livestock. Furthermore, the proposed landfill site is located upstream (on Jasper Creek, a main tributary of Lake Bridgeport) from my farm. Occasionally the area receives high intensity rainfall, which could result in overflow of the facility consequently contaminating downstream soils and surface waters.

I am a professional geologist/soil scientist and have prepared (in my capacity as President of Geochem Data, Inc.) a site assessment for the concerned citizens of the area. This assessment has been previously furnished to you.

Please send me notifications on all matters pertaining to this application. I plan to be at the public meeting in Jacksboro on October 18.

Sincerely,



James H. Henderson

2005 OCT 10 AM 10:10
CHIEF CLERK'S OFFICE

TEXAS
COMMISSIONER
OF ENVIRONMENTAL
QUALITY





TCEQ Public Participation Form
City of Jacksboro
Public Meeting
Proposed MSW Permit No. 2332
Tuesday, October 18, 2005

PLEASE PRINT:

Name: James H. Henderson
 Address: 10118 McMeridge
 City/State: Dallas TX Zip: 75238
 Phone: (214) 341-5771

TCEQ OFFICE

Please add me to the mailing list.

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

If yes, which one? Two Bush Community Action Group

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.

GEOCHEM DATA, INC.
P.O. BOX 38548
Dallas, TX 75238
214-341-5771

**HAND DELIEVED AT TWIN CREEKS MEETING
JACKSBORO TX**

October 18, 2005

OPA RECEIVED

OFFICE OF CHIEF CLERK
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OCT 18 2005

AT PUBLIC MEETING

CHIEF CLERK'S OFFICE

CITY OF JACKSBORO MUNICIPAL SOLID WASTE LANDFILL PERMIT
APPLICATION 2332

QUESTIONS, DEFICIECIES, ISSUES AND OBJECTIONS
CONCERNING
PERMIT AND SITE DEVELOPMENT PLAN (dated March 2005)
BY BIGGS AND MATHEWS,

Honorable Commissioners and Concerned Citizens:

The following comments are prepared for oral presentation during the formal public meeting on this date convened by the TCEQ at the Twin Lakes Community Center, Jacksboro, TX. This written transcript should accompany and be compared to the oral transcription of my remarks for completeness. This study was prepared for and at the request of the TWO-BUSH COMMUNITY ACTION GROUP.

The three-volume permit application prepared by Biggs & Mathews has been examined. We question and object to certain interpretations, opinions, and conclusions. Our dissension is partially based on the analysis of different data sets, that we think more appropriate and germane to the site. We focused on the (a) suitability of the site; (b) the engineering design of the facility; (c) environmental air and water hazards; and (d) contemplated demographic lifestyle alterations to citizens currently living in the area. These issues will be discussed as follows:

GEOLOGICAL SUITABILITY OF THE SITE

Trinity Aquifer

The site is located on the outcrop of the Trinity group of formations. This is one of the five most important subsurface aquifers in the State. Aquifers are partially recharged by water influx at the outcrop accompanied by downward percolation through permeable overburden. If located on the Cretaceous, landfills should be on impermeable formations such as the Taylor Marl and the Eagle Ford Group wherein water movement is normally slow. These impervious clay rich formations contain clay minerals that remove impurities through cation exchange and adsorption of organic substances/molecules. Biggs & Mathews did not consider the clay mineralogy of the soil and the subsoil nor did they pay careful attention paid to the soil texture. Soil texture is determined by particle size distribution. Experienced soil scientists can qualitatively determine mineralogy and texture by feel and visual inspection. The clay fraction starts at less than 2 microns. The higher the sand and silt sized fractions, the more permeable and porous the soil. Soils and sediments of the Trinity have both the wrong mineralogy and texture for a landfill site. This statement is supported by the Biggs & Mathews study of drill cuttings from sub surface borings

Water movement, under static conditions in the subsurface is slow, as noted by Biggs & Mathews; however, the movement dynamics change once withdrawal or pumping begins. Water will flow to the lowest point as depicted on the potentiometric surface, which from the site is to the south-southeast. Interested parties should consult publications of the Texas Water Development Board for studies in this area. Biggs & Mathews did not adequately evaluate the velocity of water movement in the subsurface. In our opinion the sub surface descriptions of cuttings in the examination bore holes indicated a very porous subsurface unsuitable to exist beneath a landfill.

We request a tabulation and identification of the compounds that will analyzed in the monitoring wells, the method of chemical analysis, the laboratory methods used, and the frequency of analysis and the limits of detection.

TRINITY WATERSHED

The site is located on a major tributary of the West Fork of the Trinity River. Jasper Creek and Beans Creek are located on he site and flow into Lake Bridgeport. This lake is an important source of recreational and potable water. A tributary of Jasper Creek is on the site immediately adjacent to planned containment ponds and drainage channels feeding directly from the landfill.

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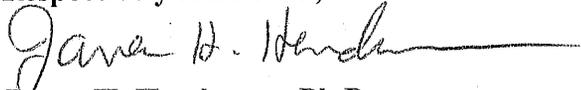
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Respectively submitted,



James H. Henderson, Ph.D.

President

Society of Independent and Professional Earth Scientist, Number 1005

Certified Petroleum Geologist Number 4129

Certified Petroleum Geologist Number 2495

MSW
4/7983

LOWERRE & FREDERICK

ATTORNEYS AT LAW

44 East Avenue, Suite 100

Austin, Texas 78701

(512) 469-6000 • (512) 482-9346 (facsimile)

Mail@LF-LawFirm.com

August 3, 2007

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

H OPA

AUG 06 2007

BY D

CHIEF CLERKS OFFICE

2007 AUG -3 PM 3:13

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Application by IESI TX. MSW Permit No. 2332

Dear Ms. Castañuela:

The Two Bush Community Action Group (TBCAG) requests a contested case hearing on the above referenced application. Please use my contact information above for communications with TBCAG on these matters.

TBCAG was organized for the express purposes of protecting the public health, the environment, and property interests of its members, who generally live or own property in the area of the proposed landfill, and to protect the natural beauty and wildlife in Southeast Jack County. TBCAG meets the test for standing, as the interests the organization seeks to protect are directly related to the organization's purposes, and there is no need for participation by individual members, since the relief sought by TBCAG is the same as its members. TBCAG has several members who own land adjacent to the landfill or in the immediate vicinity, including James Henderson, Danny Blankenship, and J.C. Benson, and many obtain their drinking water from wells on their property. Their property is shown on the affected landowner map in the application.

TBCAG disagrees with the responses to comments by the Executive Director (ED). In many cases the ED's response is simply incorrect, or mischaracterizes the comments so he can respond and avoid admitting the error.¹ Thus, TBCAG seeks a hearing on all issues raised and identified in the ED's response to comments, and any others properly raised:

¹ For example, in Responses to Comment No. 9 B and 15, the ED claims that the impact of mineral development does not need to be evaluated by the Applicant. Given that there is ongoing oil and gas development in close proximity, that need to accommodate development of oil and gas on the site needs to be considered, unless the applicant owns the mineral interest. The Commission must consider, and thus, the applicant must prove, 1) that the landfill is compatible with surrounding land uses, including use for mineral development, 2) that the applicant owns sufficient interests in the site to assure control of access to the landfill, given the dominant rights of the mineral interest owners, and 3) the impacts of any proposal for mineral development that could require special design considerations for the landfill.

MSW

- 1) in the comments of TBCAG in its letter of January 5, 2007 (see the attachment to this hearing request) and
- 2) in any other timely comments that have not been withdrawn.

Again, TBCAG seeks to raise these issues whether or not they were addressed by the Executive Director.

TBCAG urges the General Counsel to review all comments, not just the characterization of them by the Executive Director, to advise the Commissioners on what issues were raised and which should be referred for the hearing.

TBCAG seeks a hearing that is not less than 9 months. The complexity of the issues related to the site, including the presence of the groundwater, the inadequacy of the soils, and the geology of the site, will require substantial research now that the Executive Director has simply accepted the application as true and not done its own detailed site assessment.

Moreover, there is clearly no reason to rush this application. The application was declared administratively complete in April 2005, over 27 months ago. The applicant needed a great deal of time for its technical research and evaluation after it submitted its application. It also had all the time it needed before April 2005 for such research and evaluation. Opponents must now do much of the same work to prepare for the hearing, since they disagree with the representations in the application and since the Executive Director has not done an independent evaluation of any of the conditions at the site.

Sincerely,



Marisa Perales

COMMENTS OF TWO BUSH COMMUNITY ACTION GROUP

This application should not be granted for multiple reasons, including the following:

The application was not properly submitted, in accordance with TCEQ Rules. (See 30 TAC §§ 281.19(a), 281.19(b); 30 TAC § 305.43(b))

Excessive Notices of Deficiency: For some years now, TCEQ staff has allowed no more than two notices of deficiencies. If the applicant fails to adequately respond to those two Notice of Deficiencies (NODs) within the time allowed, the application is returned (*e.g.*, when Lower Valley LF, LLC, applied for a Landfill permit for Cameron County and the application was returned by TCEQ staff after applicant failed to timely and thoroughly address the concerns expressed by staff in their Second NOD).

The applicant here was given special treatment: Applicant was reminded of the TCEQ limitations and procedure in several letters, but it was given several opportunities to amend its application after it failed to adequately respond to the second NOD.

TCEQ rules provide that the technical review period should not exceed 75 working days. The technical review period in this case has exceeded a year because of applicant's failure to provide complete and accurate information, as requested by TCEQ staff. Therefore, the Applicant has been allowed to make too many revisions to the permit. Allowing an applicant to provide unlimited and untimely revisions to its application is not only contrary to the intent of the rules and past practices of TCEQ staff, but it is also unfair to the public; Moreover, this piecemeal application submittal by the Applicant is inconsistent with the manner in which other landfill applications have been reviewed.

The transfer of the application to a new applicant requires a restart of both the administrative and the technical review process, and thus, new public notice. (See, *e.g.*, 30 TAC § 281.23)

The change in owner/operator affects public notice, and many aspects of the application. For example, a nearby landowner may have very different concerns about the operation of the landfill by the City versus operation of the landfill by a large waste management company, whose interests are not tied to the local community or economy.

Likewise, in this case, the City of Jacksboro was the original applicant, and the Mayor, an elected public official, filed the sworn affidavit averring that the application is complete and accurate and that the landfill would be properly operated. The transfer of the application from the City to a large waste management corporation affects the reliability of these statements, as well as a host of other issues, including financial assurance, compliance history, debts to the state, etc.

The proposed permit is not adequate to prevent groundwater contamination given the site conditions and the application.

The site location is on a recharge zone for the Twin Mountains formation, a significant region aquifer;

There are lenses of sand, clay, and silt in the aquifer, which create a complex aquifer system. That system of sands, clays, and silts has not been adequately evaluated or described.

In some areas, there are no confining layers between the landfill and the groundwater. Leaks from the landfills, from leachate management areas, and from spills of wastes, fuels or other liquids could result in contamination of the groundwater. Yet, no proper evaluation has been done, and no adequate protections have been established in case of spills or leaks.

The landfill would be well below the depth of shallow water. The protective measures necessary to prevent damage to the liner have not been proposed in the application or required in the permit. The risk of such damage by moving groundwater and pressure on the liner has not been properly evaluated.

The proposed landfill will be deeper than shallow perched groundwater, ground water that has not been identified or characterized, and, thus, has not been considered in the design of the landfill or in the consideration of necessary safeguards for these conditions.

The proposed groundwater monitoring system is inadequate. (See 30 TAC §§ 330.235-330.238, 330.242)

The proposed system does not meet the requirements for the proper number and location of wells, depths, and/or locations of screens to collect representative samples of the groundwater at the various levels in the aquifer system and for the different densities of wastes likely to contaminate the aquifer system;

The system is not properly designed to detect releases of contaminated water from the landfill;

The system is not designed based on adequate site data;

The application does not properly identify up gradient and down gradient wells or the point of compliance;

The application does not propose an adequate procedure for collecting background data on the groundwater; and

The applicant has not qualified for any alternative design under Section 330.231(c) or other rule.

The surface water controls are inadequate. (See 30 TAC §§ 330.51-330.56, 330.134, 330.139; Tex. Water Code §§ 5.120 & 26.121)

There are not adequate controls to prevent contamination of storm waters by wastes, leachate or spills of fuels or other materials at the landfill;

The designs for the channels and ponds (size, configuration and location) are not adequate;

Drainage controls have not been designed to assure historic levels of runoff and to protect surrounding properties, and the application itself shows that there will be significant changes to the drainage patterns at the landfill and off-site;

The changes to the drainage patterns will result in damage to property off-site including increased erosion and loss of water supplies; and

The design to avoid flooding of parts of the landfill is not adequate.

Rainfall rates provided in the application and for the TCEQ evaluation are inaccurate.

The application relies on the wrong rainfall station(s);

This results in an underestimation of rainfall, and accordingly inaccurate evaluation of leachate and surface water management controls;

The temporary dewatering systems proposed in the application are also based on these inaccurate numbers and therefore do not accurately reflect the amount of water that must be managed, much less the reasonable worst case scenario that should be used.

The application does not adequately consider the presence of mineral development.

The application does not evaluate the extent of mineral development, including minerals that would be mined from the surface or oil and gas;

There are a number of oil/gas wells near the site and on the site; thus, there is likely mineral development that has not been identified or considered; and

There has not been an adequate evaluation of unplugged or poorly plugged oil and gas wells, exploratory wells and water wells.

The evaluation of endangered species is inadequate. (See Tex. Healthy & Safety Code §§ 361.002 & 361.078; 30 TAC §§ 305.66, 330.5, 330.51, 330.129)

The application does not provide an adequate evaluation of the existence of endangered or threatened species (animals, plants, etc.), habitats for such species, or the risks of landfill activities for such species;

The application and SOP do not provide adequate plans for protection of such species and habitats;

The application and SOP have neither identified nor considered the ramifications of landfill activities for the unique and rare species of trees in the area.

The information on geology and hydrology is inadequate. (See THSC §§ 361.002 & 361.089; TWC §§ 5.120 & 26.26.121; 30 TAC §§ 281.5, 305.6, 330.45, 330.51-330.56 & 330.305)

There has not been an adequate number of borings at the correct locations and depths for the evaluation of the geology and groundwater, given the conditions at this site and the importance of the groundwater monitoring system to protect the groundwater systems under the site;

The application does not contain adequate information on existing surface water, groundwater, oil, gas, exploration and water wells, faults, fractures, caves, sinkholes, unstable areas, etc.;

The application does not adequately describe the regional or site specific geology and the regional aquifers;

The application does not adequately describe the vertical and horizontal flow characteristics of the groundwater or of the leachate that will leak from the landfill;

The application does not properly characterize the soils;

The application does not properly evaluate the availability of water and soils at the site needed for the construction of liners, for cover materials, for dust suppression, etc.

The landfill is not properly designed with proper quality control for the liners. (See 30 TAC §§ 330.54-330.56, 330.200-330.206)

Neither the application nor the draft permit provides for an adequate liner given the site selected, with its shallow water and sandy soils;

The geotechnical evaluation for the design of the landfill is inadequate as the slopes and materials for the sidewalls will not assure long-term stability;

The design and operating provisions will not protect the liner from puncture during construction or filling or from leaks at seams;

The applicant has not proposed an adequate dewatering system;

The application does not qualify for alternative designs under Subchapter H.

The application does not present adequate transportation information. (See 30 TAC §§ 281.5, 305.66, 330.5 & 330.51) For example, there is an inadequate description and inadequate evaluation of:

Roads;

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Weight limits;

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The design of the access sites for the landfill, to provide adequate offsite parking and maneuvering areas to minimize risks of accidents on and off site and to assure proper access by fire and emergency vehicles during working hours and when the landfill is closed.

The proposed facility is not compatible with the Regional Solid Waste Plan prepared by the regional council of governments. (See THSC §§ 361.020, 361.062) For example, the landfill is not necessary to meet the regional needs and is not limited to protect the needs that exist or prevent unnecessary risks to the local communities.

The proposed buffer and screening are inadequate, with insufficient green belts, trees, and wind breaks to protect surrounding land uses. (30 TAC §§ 330.5, 330.53-330.56)

The proposed financial assurance is inadequate. (See Tex. Health & Safety Code §§ 361.085; 30 TAC §§ 330.283-330.285)

The types and amounts of money proposed for closure and post closure care are not based on reasonable worst case scenarios with closure by independent third parties, including contingencies for the need to bring water and dirt to the landfill site, the failure of the liner, the shifting of the landfill, etc.

The application does not demonstrate adequate proof of property interests, including adequate interests in the site to protect against inconsistent future uses, such as mineral development.
(See 30 TAC §§ 330.7 & 330.52)

The site operating plan ("SOP") is inadequate. (See 30 TAC §§ 330.5, 330.117, 330.136, 330.22, 330.57, 330.115-330.130) For example:

The applicant has not provided adequate details and enforceable requirements to guide day to day operations and to allow the enforcement of the SOP;

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The SOP does not prevent or assure proper identification and response to fires and other safety or health hazards;

The SOP does not prevent or minimize access by rats, insects, birds and other carriers of disease or the spread of such disease vectors off-site;

The SOP does not prevent or minimize litter or windblown waste or provide for timely and adequate clean-up on site or on nearby private property;

The SOP does not prevent or minimize windblown dusts, and run-off of soils and wastes from the site;

The SOP does not prevent or minimize the ponding of water on the landfill;

The SOP does not prevent or minimize odors;

The SOP does not provide adequate emergency response and contingency plans for fires, accidents, injuries spills, and other such conditions;

The SOP does not assure adequate coordination with local fire and emergency response services or provide for adequate on site equipment, water, soil, and personal equipment for on-site responses;

The SOP does not assure that the landfill site will have adequate controls over access by unauthorized persons;

The SOP does not provide for adequate control of animal or human scavenging.

The applicant has a history of poor compliance at this or other facilities. (See Tex. Water Code §26.0281) The compliance record requires:

Denial of the application; or

Additional conditions and terms in the proposed permit to minimize the likelihood of future violations, such as self reporting of spills, accidents and fires, release of windblown waste.

The application includes inadequate information and thus, inadequate evaluation of the potential problems associated with:

The location of the floodplain and the risks of flooding;

The existence of wetlands;

Other site-specific issues requiring special considerations;

The types of soils at the site, which are subject to extensive erosion and not adequate for use at the landfill for cover, sidewalls, or fill; and

The size and extent of the design storms.

The proposed permit is inadequate because: (See Tex. Health & Safety Code § 361.087; 30 TAC § 330.63)

The applicant has not presented sufficient justification for the permit term of the life of the facility;

A five year term with provisions for expiration and renewal is justified given the facts;

Many of the permit conditions and aspects of the application that are incorporated into the permit are vague and unenforceable, including, but not limited to the SOP;

The representations in the application that are incorporated into the permit are vague and unenforceable.

There was not proper notice of the application. (See Tex. Water Code §§ 5.115, 26.028; Tex. Health & Safety Code §§ 361.079, .0665, .0791, .082, .083, 0641) For instance, there was not:

Notice in Spanish;

Accurate information in the notice;

Proper notice to property and mineral interest owners and residents within 1/2 mile;

Notice published in accordance with the law.

The issuance of the permit would be inconsistent with state policies including the legislative and regulatory directives that: (See Tex. Health & Safety Code §§ 361.002, 361.011, 361.024, 382.002, 361.089; Tex. Water Code §§ 5.120, 26.121; 30 TAC §§ 330.5, 330.51)

Promote the maximum conservation and protection of the quality of the environment and the natural resources of the state;

Prohibit discharges and actions that could result in pollution of water, ground or surface, of the state;

Require the safeguarding of the state's air from pollution;

Require the control of all aspects of the management of municipal solid waste by all practical and economically feasible methods consistent with the law;

Prohibit the collection, storage, disposal, transportation, or processing of municipal solid waste in a fashion that:

1. results in the discharge or imminent threat of discharge of municipal solid waste into or adjacent to the waters in the state;
2. creates or maintains nuisance conditions; and
3. endangers human health or welfare of the environment

Prevent issuance of permits to operators with a history of non-compliance with environmental laws at their facilities.

The proposed facility is not compatible with the surrounding land uses, including but not limited to residential, agricultural, and other rural land uses with projected growth and development. (See 30 TAC §§ 330.5, 330.53-330.56 & 330.300)

Odors and other nuisance conditions, especially, given the operating hours, will interfere with the normal use and enjoyment of surrounding properties and homes and interfere with growth patterns in the area;

The number and routing of trucks is incompatible with roads and railroad crossings in the area; and

The landfill should be located in an industrial area not only because of its nature but also because of the other industrial activities that will be attracted to the area with the landfill.

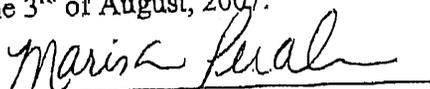
The proposed permit does not:

Comply with agency rules;

Adequately address health hazards, nuisances and other adverse effects to the public and environment.

CERTIFICATE OF SERVICE

I, Marisa Perales, hereby certify that a true and correct copy of the foregoing Request for Contested Case Hearing was served to the individuals listed below via facsimile transmission and/or U.S. mail on this day, the 3rd of August, 2007.


Marisa Perales

FOR THE APPLICANT:

Kerry Russell *Fax & Mail*
Russell, Moorman & Rodriguez, LLP
Texas Heritage Plaza, Suite 103
102 West Morrow
Georgetown, Texas 78626
Facsimile: (512) 864-7744

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas Coy, Jr., Attorney *Fax & Mail*
Public Interest Counsel
TCEQ - MC-103
PO Box 13087
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FOR THE EXECUTIVE DIRECTOR:

Ron Olson, Staff Attorney *Fax & Mail*
Environmental Law Division
TCEQ - MC-173
PO Box 13087
Austin, Texas 78711-3087
Facsimile: (512) 239-0606

PROTESTANTS/INTERESTED PERSONS:

JC Benson *Mail*
506 Regina Ct.
Eules, Texas 76039-2021

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director *Fax & Mail*
Office of Public Assistance
TCEQ - MC-108
PO Box 13087
Austin, Texas 78711-3087
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Danny Blankenship *Mail*
1851 Elenburg Rd.
Perrin, Texas 76486

James Henderson *Mail*
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Dallas, Texas 75238-2151

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FAX COVER SHEET

2007 AUG -3 PM 3:13
CHIEF CLERKS OFFICE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

To:	LaDonna Castañuela	Fax:	239-3311
	Ron Olson	Fax:	239-0606
	Blas Coy	Fax:	239-3087
	Bridget Bohac	Fax:	239-4007

From: Marisa Perales
Date: August 3, 2007

DOCUMENTS	NUMBER OF PAGES (not including cover pg.)
Request for Contested Case Hearing	10

COMMENTS:

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2007 AUG -6 AM 10:30

CHIEF CLERKS OFFICE

August 3, 2007

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

H OPA
AUG 06 2007
BY BS

Re: Application by IESI TX. MSW Permit No. 2332

Dear Ms. Castanuela:

The Two Bush Community Action Group (TBCAG) requests a contested case hearing on the above referenced application. Please use my contact information above for communications with TBCAG on these matters.

TBCAG was organized for the express purposes of protecting the public health, the environment, and property interests of its members, who generally live or own property in the area of the proposed landfill, and to protect the natural beauty and wildlife in Southeast Jack County. TBCAG meets the test for standing, as the interests the organization seeks to protect are directly related to the organization's purposes, and there is no need for participation by individual members, since the relief sought by TBCAG is the same as its members. TBCAG has several members who own land adjacent to the landfill or in the immediate vicinity, including James Henderson, Danny Blankenship, and J.C. Benson, and many obtain their drinking water from wells on their property. Their property is shown on the affected landowner map in the application.

TBCAG disagrees with the responses to comments by the Executive Director (ED). In many cases the ED's response is simply incorrect, or mischaracterizes the comments so he can respond and avoid admitting the error.¹ Thus, TBCAG seeks a hearing on all issues raised and identified in the ED's response to comments, and any others properly raised:

¹ For example, in Responses to Comment No. 9 B and 15, the ED claims that the impact of mineral development does not need to be evaluated by the Applicant. Given that there is ongoing oil and gas development in close proximity, that need to accommodate development of oil and gas on the site needs to be considered, unless the applicant owns the mineral interest. The Commission must consider, and thus, the applicant must prove, 1) that the landfill is compatible with surrounding land uses, including use for mineral development, 2) that the applicant owns sufficient interests in the site to assure control of access to the landfill, given the dominant rights of the mineral interest owners, and 3) the impacts of any proposal for mineral development that could require special design considerations for the landfill.

Handwritten initials and a small circular stamp.

1) in the comments of TBCAG in its letter of January 5, 2007 (see the attachment to this hearing request) and

2) in any other timely comments that have not been withdrawn.

Again, TBCAG seeks to raise these issues whether or not they were addressed by the Executive Director.

TBCAG urges the General Counsel to review all comments, not just the characterization of them by the Executive Director, to advise the Commissioners on what issues were raised and which should be referred for the hearing.

TBCAG seeks a hearing that is not less than 9 months. The complexity of the issues related to the site, including the presence of the groundwater, the inadequacy of the soils, and the geology of the site, will require substantial research now that the Executive Director has simply accepted the application as true and not done its own detailed site assessment.

Moreover, there is clearly no reason to rush this application. The application was declared administratively complete in April 2005, over 27 months ago. The applicant needed a great deal of time for its technical research and evaluation after it submitted its application. It also had all the time it needed before April 2005 for such research and evaluation. Opponents must now do much of the same work to prepare for the hearing, since they disagree with the representations in the application and since the Executive Director has not done an independent evaluation of any of the conditions at the site.

Sincerely,



Marisa Perales

COMMENTS OF TWO BUSH COMMUNITY ACTION GROUP

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The SOP does not prevent or minimize odors;

The SOP does not provide adequate emergency response and contingency plans for fires, accidents, injuries spills, and other such conditions;

The SOP does not assure adequate coordination with local fire and emergency response services or provide for adequate on site equipment, water, soil, and personal equipment for on-site responses;

The SOP does not assure that the landfill site will have adequate controls over access by unauthorized persons;

The SOP does not provide for adequate control of animal or human scavenging.

The applicant has a history of poor compliance at this or other facilities. (See Tex. Water Code §26.0281) The compliance record requires:

Denial of the application; or

Additional conditions and terms in the proposed permit to minimize the likelihood of future violations, such as self reporting of spills, accidents and fires, release of windblown waste.

The application includes inadequate information and thus, inadequate evaluation of the potential problems associated with:

The location of the floodplain and the risks of flooding;

The existence of wetlands;

Other site-specific issues requiring special considerations;

The types of soils at the site, which are subject to extensive erosion and not adequate for use at the landfill for cover, sidewalls, or fill; and

The size and extent of the design storms.

The proposed permit is inadequate because: (See Tex. Health & Safety Code § 361.087; 30 TAC § 330.63)

The applicant has not presented sufficient justification for the permit term of the life of the facility;

A five year term with provisions for expiration and renewal is justified given the facts;

Many of the permit conditions and aspects of the application that are incorporated into the permit are vague and unenforceable, including, but not limited to the SOP;

The representations in the application that are incorporated into the permit are vague and unenforceable.

There was not proper notice of the application. (See Tex. Water Code §§ 5.115, 26.028; Tex. Health & Safety Code §§ 361.079, .0665, .0791, .082, .083, 0641) For instance, there was not:

Notice in Spanish;

Accurate information in the notice;

Proper notice to property and mineral interest owners and residents within ½ mile;

Notice published in accordance with the law.

The issuance of the permit would be inconsistent with state policies including the legislative and regulatory directives that: (See Tex. Health & Safety Code §§ 361.002, 361.011, 361.024, 382.002, 361.089; Tex. Water Code §§ 5.120, 26.121; 30 TAC §§ 330.5, 330.51)

Promote the maximum conservation and protection of the quality of the environment and the natural resources of the state;

Prohibit discharges and actions that could result in pollution of water, ground or surface, of the state;

Require the safeguarding of the state's air from pollution;

Require the control of all aspects of the management of municipal solid waste by all practical and economically feasible methods consistent with the law;

Prohibit the collection, storage, disposal, transportation, or processing of municipal solid waste in a fashion that:

1. results in the discharge or imminent threat of discharge of municipal solid waste into or adjacent to the waters in the state;
2. creates or maintains nuisance conditions; and
3. endangers human health or welfare of the environment

Prevent issuance of permits to operators with a history of non-compliance with environmental laws at their facilities.

The proposed facility is not compatible with the surrounding land uses, including but not limited to residential, agricultural, and other rural land uses with projected growth and development. (See 30 TAC §§ 330.5, 330.53-330.56 & 330.300)

Odors and other nuisance conditions, especially, given the operating hours, will interfere with the normal use and enjoyment of surrounding properties and homes and interfere with growth patterns in the area;

The number and routing of trucks is incompatible with roads and railroad crossings in the area; and

The landfill should be located in an industrial area not only because of its nature but also because of the other industrial activities that will be attracted to the area with the landfill.

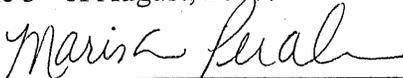
The proposed permit does not:

Comply with agency rules;

Adequately address health hazards, nuisances and other adverse effects to the public and environment.

CERTIFICATE OF SERVICE

I, Marisa Perales, hereby certify that a true and correct copy of the foregoing Request for Contested Case Hearing was served to the individuals listed below via facsimile transmission and/or U.S. mail on this day, the 3rd of August, 2007.



Marisa Perales

FOR THE APPLICANT:

Kerry Russell *Fax & Mail*
Russell, Moorman & Rodriguez, LLP
Texas Heritage Plaza, Suite 103
102 West Morrow
Georgetown, Texas 78626
Facsimile: (512) 864-7744

FOR THE EXECUTIVE DIRECTOR:

Ron Olson, Staff Attorney *Fax & Mail*
Environmental Law Division
TCEQ - MC-173
PO Box 13087
Austin, Texas 78711-3087
Facsimile: (512) 239-0606

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director *Fax & Mail*
Office of Public Assistance
TCEQ - MC-108
PO Box 13087
Austin, Texas 78711-3087
Facsimile: (512) 239-4007

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas Coy, Jr., Attorney *Fax & Mail*
Public Interest Counsel
TCEQ - MC-103
PO Box 13087
Austin, Texas 78711-3087
Facsimile: (512) 239-6377

PROTESTANTS/INTERESTED PERSONS:

JC Benson *Mail*
506 Regina Ct.
Eules, Texas 76039-2021

Danny Blankenship *Mail*
1851 Elenburg Rd
Perrin, Texas 76486

James Henderson *Mail*
10118 Maple Ridge Dr.
Dallas, Texas 75238-2151

MSWD
47983

LOWERRE & FREDERICK
ATTORNEYS AT LAW
44 East Avenue, Suite 100
AUSTIN, TX 78701
(512) 469-6000 / (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
JAN 08 PM 3:47
CHIEF CLERKS OFFICE

January 5, 2007

LaDonna Castanuela
Office of the Chief Clerk, MC 105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
JAN 09 2007
BY KA

Re: Application by IESI TX Landfill for MSW Permit No. 2332

Dear Ms. Castanuela:

The Two Bush Community Action Group submits the following comments with regard to the above-referenced application. This application should not be granted for multiple reasons, including the following:

The application was not properly submitted, in accordance with TCEQ Rules:

- For some years now, TCEQ staff has allowed no more than two notices of deficiencies. If the applicant fails to adequately respond to those two Notice of Deficiencies (NODs) within the time allowed, the application is returned (*e.g.*, when Lower Valley LF, LLC, applied for a Landfill permit for Cameron County and the application was returned by TCEQ staff after applicant failed to timely and thoroughly address the concerns expressed by staff in their Second NOD);
- Applicant was reminded of this procedure in several letters, but it was given several opportunities to amend its application after it failed to adequately respond to the second NOD;
- TCEQ rules provide that the technical review period should not exceed 75 working days. The technical review period in this case has exceeded a year because of applicant's failure to provide complete and accurate information, as requested by TCEQ staff;
- Applicant has been allowed to make too many revisions to the permit;
- Allowing an applicant to provide unlimited and untimely revisions to its application is not only contrary to the intent of the rules and past practices of TCEQ staff, but it is also unfair to the public;
- The piecemeal application submittal by the Applicant is inconsistent with the manner in which other landfill applications have been reviewed.

(See 30 TAC §§ 281.19(a), 281.19(b); 30 TAC § 305.43(b))

Mc

The transfer of the application to a new applicant requires a restart of both the administrative and the technical review process, and thus, new public notice.

- The change in owner/operator affects public notice, and many aspects of the application. For example, a nearby landowner may have very different concerns about the operation of the landfill by the City versus operation of the landfill by a large waste management company, whose interests are not tied to the local community or economy.
- Likewise, in this case, the City of Jacksboro was the original applicant, and the Mayor, an elected public official, filed the sworn affidavit averring that the application is complete and accurate and that the landfill would be properly operated. The transfer of the application from the City to a large waste management corporation affects the reliability of these statements, as well as a host of other issues, including financial assurance, compliance history, debts to the state, etc.

(See, *e.g.*, 30 TAC § 281.23)

The proposed permit would result in groundwater contamination:

- The site location is on a recharge zone for the Twin Mountains formation, a significant region aquifer;
- There are lenses of sand, clay, and silt in the aquifer, which create a complex aquifer system. That system of sands, clays, and silts has not been adequately evaluated or described.
- In some areas, there are no confining layers between the landfill and the groundwater. Leaks from the landfills, from leachate management areas, and from spills of wastes, fuels or other liquids could result in contamination of the groundwater. Yet, no proper evaluation has been done, and no adequate protections have been established in case of spills or leaks.
- The landfill would be well below the depth of shallow water. The protective measures necessary to prevent damage to the liner have not been proposed in the application or required in the permit. The risk of such damage by moving groundwater and pressure on the liner has not been properly evaluated.
- The proposed landfill will be deeper than shallow perched groundwater, ground water that has not been identified or characterized, and, thus, has not been considered in the design of the landfill or in the consideration of necessary safeguards for these conditions.

The groundwater monitoring system is inadequate:

- The proposed system does not meet the requirements for the proper number and location of wells, depths, and/or locations of screens to collect representative samples of the groundwater at the various levels in the aquifer system and for the different densities of wastes likely to contaminate the aquifer system;
- The system is not properly designed to detect releases of contaminated water from the landfill;
- The system is not designed based on adequate site data;
- The application does not properly identify up gradient and down gradient wells or the point of compliance;

- The application does not propose an adequate procedure for collecting background data on the groundwater; and
- The applicant has not qualified for any alternative design under Section 330.231(c) or other rule.

(See 30 TAC §§ 330.235-330.238, 330.242)

The surface water controls are inadequate:

- There are inadequate controls to prevent contamination of storm waters by wastes, leachate or spills of fuels or other materials at the landfill;
- The designs for the channels and ponds (size, configuration and location) are not adequate;
- Drainage controls have not been designed to assure historic levels of runoff and to protect surrounding properties, and the application itself shows that there will be significant changes to the drainage patterns at the landfill and off-site;
- The changes to the drainage patterns will result in damage to property off-site including increased erosion and loss of water supplies; and
- The design to avoid flooding of parts of the landfill is not adequate.

(See 30 TAC §§ 330.51-330.56, 330.134, 330.139; Tex. Water Code §§ 5.120 & 26.121)

Rainfall rates provided in the application and for the TCEQ evaluation are inaccurate:

- The application relies on the wrong rainfall station(s);
- This results in an underestimation of rainfall, and accordingly inaccurate evaluation of leachate and surface water management controls;
- The temporary dewatering systems proposed in the application are also based on these inaccurate numbers and therefore do not accurately reflect the amount of water that must be managed, much less the reasonable worst case scenario that should be used.

The application does not adequately consider the presence of mineral development:

- The application does not evaluate the extent of mineral development, including minerals that would be mined from the surface or oil and gas;
- There are a number of oil/gas wells near the site and on the site; thus, there is likely mineral development that has not been identified or considered; and
- There has not been an adequate evaluation of unplugged or poorly plugged oil and gas wells, exploratory wells and water wells.

The evaluation of endangered species is inadequate:

- The application does not provide an adequate evaluation of the existence of endangered or threatened species (animals, plants, etc.), habitats for such species, or the risks of landfill activities for such species;
- The application and SOP do not provide adequate plans for protection of such species and habitats;
- The application and SOP have neither identified nor considered the ramifications of landfill activities for the unique and rare species of trees in the area.

(See Tex. Healthy & Safety Code §§ 361.002 & 361.078; 30 TAC §§ 305.66, 330.5, 330.51, 330.129)

The information on geology and hydrology is inadequate:

- There has not been an adequate number of borings at the correct locations and depths for the evaluation of the geology and groundwater, given the conditions at this site and the importance of the groundwater monitoring system to protect the groundwater systems under the site;
- The application does not contain adequate information on existing surface water, groundwater, oil, gas, exploration and water wells, faults, fractures, caves, sinkholes, unstable areas, etc.;
- The application does not adequately describe the regional or site specific geology and the regional aquifers;
- The application does not adequately describe the vertical and horizontal flow characteristics of the groundwater or of the leachate that will leak from the landfill;
- The application does not properly characterize the soils;
- The application does not properly evaluate the availability of water and soils at the site needed for the construction of liners, for cover materials, for dust suppression, etc.

(See THSC §§ 361.002 & 361.089; TWC §§ 5.120 & 26.26.121; 30 TAC §§ 281.5, 305.6, 330.45, 330.51-330.56 & 330.305)

The landfill is not properly designed with proper quality control for the liners:

- Neither the application nor the draft permit provides for an adequate liner given the site selected, with its shallow water and sandy soils;
- The geotechnical evaluation for the design of the landfill is inadequate as the slopes and materials for the sidewalls will not assure long-term stability;
- The design and operating provisions will not protect the liner from puncture during construction or filling or from leaks at seams;
- The applicant has not proposed an adequate dewatering system;
- The application does not qualify for alternative designs under Subchapter H.

(See 30 TAC §§ 330.54-330.56, 330.200-330.206)

The application does not present adequate transportation information. For example, there is an inadequate description and inadequate evaluation of:

- Roads;
- Bridges in the area;
- Weight limits;
- Railroad crossings that will be affected; and
- The design of the access sites for the landfill, to provide adequate offsite parking and maneuvering areas to minimize risks of accidents on and off site and to assure proper access by fire and emergency vehicles during working hours and when the landfill is closed.

(See 30 TAC §§ 281.5, 305.66, 330.5 & 330.51)

The proposed facility is not compatible with the Regional Solid Waste Plan prepared by the regional council of governments. For example, the landfill is not necessary to meet the regional needs and is not limited to protect the needs that exist or prevent unnecessary risks to the local communities.
(See THSC §§ 361.020, 361.062)

The proposed buffer and screening are inadequate, with insufficient green belts, trees, and wind breaks to protect surrounding land uses.
(30 TAC §§ 330.5, 330.53-330.56)

The proposed financial assurance is inadequate.

- The types and amounts of money proposed for closure and post closure care are not based on reasonable worst case scenarios with closure by independent third parties, including contingencies for the need to bring water and dirt to the landfill site, the failure of the liner, the shifting of the landfill, etc.

(See Tex. Health & Safety Code §§ 361.085; 30 TAC §§ 330.283-330.285)

The application does not demonstrate adequate proof of property interests, including adequate interests in the site to protect against inconsistent future uses, such as mineral development.

(See 30 TAC §§ 330.7 & 330.52)

The site operating plan (“SOP”) is inadequate. For example:

- The applicant has not provided adequate details and enforceable requirements to guide day to day operations and to allow the enforcement of the SOP;
- The individual plans are often only restatements of the rules or promises to develop plans;
- The SOP does not provide the detail required for training and procedures to allow the employees to use the plans;
- The operational procedures will not prevent or even assure a minimization of the acceptance of lead acid storage batteries, used motor oil, used oil filters, whole scrap tires, items containing chlorinated fluorocarbons, liquid waste, hazardous waste, radioactive wastes or polychlorinated biphenyls;
- The SOP does not prevent or assure proper identification and response to fires and other safety or health hazards;
- The SOP does not prevent or minimize access by rats, insects, birds and other carriers of disease or the spread of such disease vectors off-site;
- The SOP does not prevent or minimize litter or windblown waste or provide for timely and adequate clean-up on site or on nearby private property;
- The SOP does not prevent or minimize windblown dusts, and run-off of soils and wastes from the site;
- The SOP does not prevent or minimize the ponding of water on the landfill;
- The SOP does not prevent or minimize odors;
- The SOP does not provide adequate emergency response and contingency plans for fires, accidents, injuries spills, and other such conditions;

- The SOP does not assure adequate coordination with local fire and emergency response services or provide for adequate on site equipment, water, soil, and personal equipment for on-site responses;
 - The SOP does not assure that the landfill site will have adequate controls over access by unauthorized persons;
 - The SOP does not provide for adequate control of animal or human scavenging.
- (See 30 TAC §§ 330.5, 330.117, 330.136, 330.22, 330.57, 330.115-330.130)

The applicant has a history of poor compliance at this or other facilities. This requires:

- Denial of the application;
- Close scrutiny of the information in the application; and/or
- Additional conditions and terms in the proposed permit to minimize the likelihood of future violations, such as self reporting of spills, accidents and fires, release of windblown waste.

(See Tex. Water Code §26.0281)

The application includes inadequate information and thus, inadequate evaluation of the potential problems associated with:

- The location of the floodplain and the risks of flooding;
- The existence of wetlands;
- Other site-specific issues requiring special considerations;
- The types of soils at the site, which are subject to extensive erosion and not adequate for use at the landfill for cover, sidewalls, or fill; and
- The size and extent of the design storms.

The proposed permit is inadequate because:

- The applicant has not presented sufficient justification for the permit term of the life of the facility;
- A five year term with provisions for expiration and renewal is justified given the facts;
- Many of the permit conditions and aspects of the application that are incorporated into the permit are vague and unenforceable, including, but not limited to the SOP;
- The representations in the application that are incorporated into the permit are vague and unenforceable.

(See Tex. Health & Safety Code § 361.087; 30 TAC § 330.63)

There was not proper notice of the application. For instance, there was not:

- Notice in Spanish;
- Accurate information in the notice;
- Proper notice to property and mineral interest owners and residents within ½ mile;
- Notice published in accordance with the law.

(See Tex. Water Code §§ 5.115, 26.028; Tex. Health & Safety Code §§ 361.079, .0665, .0791, .082, .083, 0641)

The issuance of the permit would be inconsistent with state policies including the legislative and regulatory directives that:

- Promote the maximum conservation and protection of the quality of the environment and the natural resources of the state;
- Prohibit discharges and actions that could result in pollution of water, ground or surface, of the state;
- Require the safeguarding of the state's air from pollution;
- Require the control of all aspects of the management of municipal solid waste by all practical and economically feasible methods consistent with the law;
- Prohibit the collection, storage, disposal, transportation, or processing of municipal solid waste in a fashion that:
 - i. results in the discharge or imminent threat of discharge of municipal solid waste into or adjacent to the waters in the state;
 - ii. creates or maintains nuisance conditions; and
 - iii. endangers human health or welfare of the environment
- Prevent issuance of permits to operators with a history of non-compliance with environmental laws at their facilities.

(See Tex. Health & Safety Code §§ 361.002, 361.011, 361.024, 382.002, 361.089; Tex. Water Code §§ 5.120, 26.121; 30 TAC §§ 330.5, 330.51)

The proposed facility is not compatible with the surrounding land uses, including but not limited to residential, agricultural, and other rural land uses with projected growth and development:

- Odors and other nuisance conditions, especially, given the operating hours, will interfere with the normal use and enjoyment of surrounding properties and homes and interfere with growth patterns in the area;
- The number and routing of trucks is incompatible with roads and railroad crossings in the area; and
- The landfill should be located in an industrial area not only because of its nature but also because of the other industrial activities that will be attracted to the area with the landfill.

(See 30 TAC §§ 330.5, 330.53-330.56 & 330.300)

The proposed permit does not:

- Comply with agency rules;
- Adequately address health hazards, nuisances and other adverse effects to the public and environment.

Thank you for your attention to this matter. If you have any questions or concerns, please contact me.

Sincerely,



Marisa Perales

Counsel for Two Bush Community Action Group

MSW
47983

MR. & MRS. ROGER PRUITT

P.O. Box 266
Perrin, TX 76486-0266

HR
OPA

JAN 25 2007

BY DM

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
JAN 25 PM 2:30
CHIEF CLERKS OFFICE

January 21, 2007

TCEQ
Office of Chief Clerk
MC-105
P.O. Box 13087
Austin, TX 78711-3087

RE: Application for proposed MSWL #2332

Gentlemen:

This is to inform you of our strong opposition and objection to the MSWL Permit #2332 for a proposed solid waste landfill..

We think using one of the highest topographic elevations atop the recharge area of the Trinity Aquifer adjacent to Jasper Creek is environmentally unsound. We depend solely on fresh ground water for household and livestock use. We also worry about air pollution in the area.

Based on these objections, please accept this as our formal notification and request to a contested case hearing.

Sincerely,



Roger and Kathy Pruitt

CC:

File

Representative Rick L. Hardcastle
1930 Fannin
Vernon, TX 76384

Senator Craig Estes
2716 Commerce St. Suite 101
Wichita Falls, TX 76301

34

pieces of paper and articles that will be blown by the wind . Like the smell, there will be nothing to stop this from spreading over the countryside also. This will be a major health hazard for humans, livestock and wildlife. There is no way to curtail the odors from a site like this when it is in such a location. It will make it hard for a lot of persons with chronic ailments to breathe and may cause serious medical conditions.

We also have a lot of wildlife in the area that wonder all over the countryside and find the food that nature provides for them. This same wildlife would frequent the landfill because of a ready food supply and perhaps develop diseases which in turn can also be spread to humans, livestock and other wildlife.

The city of Perrin is located within a few miles of this site and they also depend on private water wells for their water. We also have a school in Perrin to which children from several surrounding cities are bussed into. We worry about the air and their safety also.

We think that the proposed landfill location is not a good idea for this area. There are other areas in the county not located on a high hill feeding into two creeks running directly into the Trinity Aquifer which should be considered. We therefore request that this proposed permit be turned down at this time.

Sincerely,

Handwritten signature of Roger and Kathy Pruitt in cursive script.

Roger and Kathy Pruitt

CC : file

State Senator Kay Bailey Hutchison

State Senator Craig Estes

State Representative Rick Hardcastle

Mr. & Mrs. Roger Pruitt
P.O. Box 266
Perrin, Texas 76486-0266

October 27, 2005

State Senator Kay Bailey Hutchison
P.O. Box 12068
Austin, Texas 79711

RE: Proposed Landfill Permit No. 2332

Dear Ms. Hutchison,

Attached please find a copy of a letter we sent to the Texas Commission on Environmental Quality today.

As you can see we feel that this site is not in an appropriate location for many reasons, mainly because of water, air and disease issues. We in this area and several miles around have no water purification plants and depend solely on our private water wells.

We would appreciate any assistance you might be able to give us regarding this matter.

Your written reply regarding this matter would be very much appreciated.

Very truly yours,

Roger and Kathy Pruitt

CC: file

Texas Commission on Environmental Quality
State Senator Craig Estes
State Representative Rick Hardcastle

Mr. & Mrs. Roger Pruitt
P.O. Box 266
Perrin, Texas 76486-0266

October 27, 2005

State Senator Kay Bailey Hutchison
P.O. Box 12068
Austin, Texas 79711

RE: Proposed Landfill Permit No. 2332

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Your written reply regarding this matter would be very much appreciated.

Very truly yours,

Roger and Kathy Pruitt

CC: file
Texas Commission on Environmental Quality
State Senator Craig Estes
State Representative Rick Hardcastle

Mr. & Mrs. Roger Pruitt
P.O. Box 266
Perrin, Texas 76486-0266

October 27, 2005

State Senator Craig Estes
P.O. Box 12068
Austin, Texas 78711

RE: Proposed Landfill Permit No. 2332

Dear Mr. Estes,

Attached please find a copy of a letter we sent to the Texas Commission on Environmental Quality today.

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Your written reply regarding this matter would be very much appreciated.

Very truly yours,

Roger and Kathy Pruitt

CC: file
Texas Commission on Environmental Quality
State Senator Kay Bailey Hutchison
State Representative Rick Hardcastle

Chief Clerk's Office, MC 105
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

HR
OPA

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

NOV 15 2005 2:56 PM

MSO
47983

BY  CHIEF CLERKS OFFICE

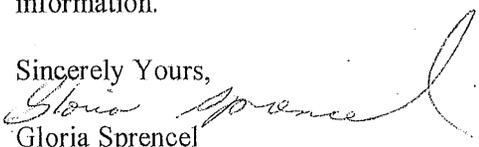
To Whom It May Concern:

I am writing you concerning the application by the city of Jacksboro for a municipal solid waste permit number 2332. My first concern is the ethical nature of the permit. How can this be called a City of Jacksboro landfill, when the city does not and will not own the land and will not operate the landfill? The land in question is miles from Jacksboro. How far from the city limits will a city be able to request a permit for a landfill? Where does it stop? It seems that the Waste Management Company has figured out how to play the game. Pair up with a city and get their landfill. It would be safe to say that **less than one percent** of the trash in the dump would be from the city of Jacksboro. The primary reason the city is interested in the landfill is the revenue that it will bring the city. They have no regard for the people who reside in our end of the county or for the beauty of the land. So instead of the City of Jacksboro landfill, call it the cash cow of Jacksboro.

My second concern is the environmental impact of the landfill. Wildlife will be displaced. Water will be endangered. There would be noise, light, and air pollution. Trees and plant life will be replaced with barren mounts of dirt. The land will be destroyed. This is some of the most scenic land in the county. The native grass and trees grace the land. Wildlife is plentiful. There is a much better use of the land. Since the city of Jackboro has Fort Richardson, this land could be developed to display the Indian lifestyle of the same period. Indians have been active in this area. What a better way to preserve the history and the beauty of this area? This could be developed as a leadership camp for troubled teens with a ropes course or as a retreat camp for executives. The camp would be designed to preserve the wildlife and the beauty of the area and to educate visitors about the lifestyle of the Indians in the 1800's. People who attend the camp would develop an understanding of the Indians and their lifestyle and the love of nature. The heritage and environment of this area would be preserved for future generations.

My third concern is the effect of the landfill on the water. There are natural springs in the area and a shadow water table. How will the construction effect this water? We do not have a community water system. Water is essential for the ranching and domestic use. How can we be sure that our water will be safe? If the city of Jacksboro wants a landfill in this area, they should provide water to this area before the construction of the landfill begins. We cannot afford to lose our water supply.

My land borders the landfill site. I have searched your web site and I have emailed you with no response. I would like to request a hearing concerning the above permit and issues. How do I get a hearing? My email address is Sprencel @ esc11. net. Please email and mail me this information.

Sincerely Yours,

Gloria Sprencel
801 Elenburg Road
Perrin, Texas 76486





TCEQ TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SITE SEARCH:

please enter search phrase

SUBJECT INDEX

- › Air › Water › Waste
- › Search TCEQ Data
- › Agency Organization Map

SITE NAVIGATION:



[Search for MSW Applications, Facilities, and Correspondence](#)

›› Questions or Comments:

mswper@tceq.state.tx.us

- [Rules, Policy & Legislation](#)
- [Permits, Licenses & Registrations](#)
- [Compliance, Enforcement & Cleanups](#)
- [Utilities & Water Supplies](#)
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- [Resources to Get Involved](#)
- [Contracts, Funding & Fees](#)
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- [About TCEQ](#)
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Municipal Solid Waste Facility Search Results

Applications related to MSW No. 2332.
Correspondence related to MSW No. 2332.
Information updated October 24, 2005.

Facility: JACKSBORBO LANDFILL	
County: JACK	Nearest City: JACKSBORO
MSW No.: 2332	Facility Type: 1
Facility Status: NOT CONSTRUCTED	
Authorization Status: PENDING	Date: 4/5/2005
Location: APPROX 13 MILES SE OF JACKSBORO AND ABOUT 200 FT NW OF THE INTERSECTION OF SH 199 AND FM 1156 IN JACK COUNTY.	



Have you had contact with the TCEQ lately? Complete our [Customer Satisfaction Survey](#).

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Last Modified 8/19/2005

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OPA RECEIVED

H OCT 18 2005 P

AT PUBLIC MEETING

James R. Thompson &
Linda Henderson Thompson
3310-A Doolin Drive
Austin, Texas 78704
512-444-0019

47983
MSW

October 17, 2005

Office of the Chief Clerk, TCEQ
MC-105
P.O. Box 13087
Austin, TX 78711-3087

CHIEF CLERK'S OFFICE
STATE OF TEXAS
AUSTIN, TEXAS

RE: Application for Municipal Solid Waste Permit No. 2332

Honorable Commissioners:

We wish to formally declare our strong opposition to this application, on the grounds that the site is highly unsuitable for such a facility in many different respects. We own land in Jack County in close proximity to the Northeast of the site, and we are downstream on Jasper Creek, which passes from this site, then later through our own property, on its way to Lake Bridgeport several miles more to the Northeast.

Although landfills may be a necessary evil, one can at least expect that they be located on sites which possess some inherent, site-specific virtues of suitability, to help insure that the wastes placed on the site might be expected to remain there even if the engineered protective barriers were to fail. And they should not be placed upon sites for which the consequences of a breach of the engineered protective barriers would likely be catastrophic.

Unfortunately, this particular site possesses no apparent protective virtues, but on the contrary it is inherently vulnerable and fragile and holds a high potential for pollution, which could be of catastrophic magnitude. The geologic soil characteristics are highly unsuitable: the soils are sandy, without protective underlayers of clay, limestone, or other impenetrable features to provide protection of the groundwater and of the underlying Trinity Aquifer. The sandy surface soils are so permeable that stock tanks in the immediate vicinity are notorious for having difficulty in holding water, unless some sort of clay material is imported and applied. Fresh, potable groundwater exists very close to the surface: many wells in the vicinity were successfully dug by hand. This groundwater is consumed by people and livestock throughout the vicinity. The underlying Trinity Aquifer is down-gradient to the Southeast towards Ft. Worth, and is a major source of fresh water to many

P

surrounding counties. The consequences of polluting this Trinity Aquifer are enormous, and the costs of remedying any such pollution after the fact would likely be equally huge.

The characteristics of the surface soils are even more unsuitable. The land tends to be unstable and highly prone to erosion by both wind and water, particularly when the soil anchoring by trees is absent. The evidence of this is readily apparent in the erosion gullies that are common in the area. In the presence of heavy rainfall, flooding conditions can easily cause significant washing and eroding of the surface. Water gaps in creeks are notoriously hard to maintain. Jasper Creek passes through the Southeastern edge of this site and proceeds to the Northeast. Any loss of surface containment, either by over-flooding or by seepage into the shallow ground springs, would immediately send contaminants down Jasper Creek to nearby Lake Bridgeport, a major source of drinking water to Ft. Worth. Under flooding conditions, the saturated soils and near-surface groundwater could also produce large hydrostatic pressures upon the landfill containment membrane, which would be more severe for a deeper landfill cavity. In conjunction with the unstable sandy soils, this could also pose a threat of partial collapse or rupture of the containment membrane.

Moreover, the site is locally elevated relative to the surrounding countryside, making it visually distasteful, as well as susceptible to windblown dispersal of wastes away from the site. (And any such windblown waste would soon be deposited on the ground outside of the site boundaries, where it would be an immediate threat to pollution of the groundwater and creeks.) The windy, elevated site location would also pose a significant threat of air pollution from the noxious gasses released, as well as from the merely unpleasant odors. This part of the country receives tornados not infrequently, and they would certainly be capable of significant dispersal of waste, if not of a major breach of the containment.

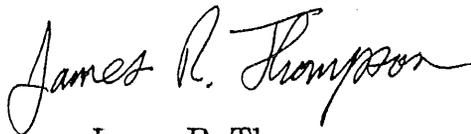
The rural location means that this site will not benefit from the good road infrastructure and extensive firefighting and emergency response capabilities available in more urban areas. Fires which might occur either on site or nearby offsite could be very difficult to control, since water would have to be hauled in. And of course, fires would create air pollution as well as another means of spreading the wastes outside of the containment.

There are enough unavoidable problems associated with landfills, that it makes no sense to select a site fraught with inherent additional problems. One would like for the site to offer some advantages to the goals of containment of the wastes, not to be replete with disadvantages and difficulties to add to the already long list of engineering problems. And if there were a loss of containment, one would not wish

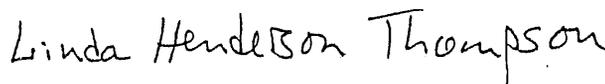
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We request that these comments be entered into the official record of this application. We ask that the application be denied, based upon the inherent unsuitability of this site. If not denied, we ask that the application not be approved without a contested case hearing. Please send us notifications on all matters pertaining to this application. We plan to attend the public meeting in Jacksboro on October 18, 2005.

Respectfully submitted,



James R. Thompson



Linda Henderson Thompson

(1)

TCEQ Public Participation Form
City of Jacksboro
Public Meeting
Proposed MSW Permit No. 2332
Tuesday, October 18, 2005

TCEQ DISTRICT OFFICE
2005-10-18

PLEASE PRINT:

Name: JAMES ROBERT (BOB) THOMPSON
Address: 3310-A DOOLIN DRIVE
City/State: AUSTIN, TX Zip: 78704
Phone: (512) 444-0019

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.

~~SECRET~~
2

TCEQ Public Participation Form
City of Jacksboro
Public Meeting
Proposed MSW Permit No. 2332
Tuesday, October 18, 2005

COMMUNITY RELATIONS
TCEQ
10/18/05

PLEASE PRINT:

Name: Linda H. Thompson
Address: 3310-A Decker Ave.
City/State: Austin, TX. Zip: 78709
Phone: (512) 444-0019

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.
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COMMISSIONER
ON ENVIRONMENTAL
QUALITY

205 OCT 18 AM 11:23

CHIEF CLERKS OFFICE

James R. Thompson &
Linda Henderson Thompson
3310-A Doolin Drive
Austin, Texas 78704
512-444-0019

OPA

4/12

OCT 18 2005

October 17, 2005

BY

[Signature]

Office of the Chief Clerk, TCEQ
MC-105
P.O. Box 13087
Austin, TX 78711-3087

MSW
47983

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[Handwritten mark]

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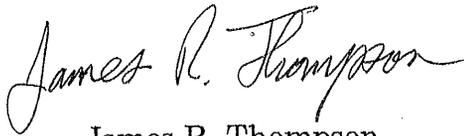
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Respectfully submitted,



James R. Thompson



Linda Henderson Thompson

MSW
47983

James R. Thompson &
Linda Henderson Thompson
3310-A Doolin Drive
Austin, TX 78704
512-444-0019

January 19, 2007

LaDonna Castanuela
Office of the Chief Clerk, MC 105
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

OPA
JAN 23 2007
BY an
OFFICE OF THE CHIEF CLERK
TCEQ
AUSTIN, TEXAS

RE: Application by IESI TX Landfill for MSW Permit No. 2332

Dear Ms. Castanuela:

In response to the recent "Notice of Application and Preliminary Decision for Municipal Solid Waste Permit" soliciting written public comments, we first reiterate the concerns about this application that were expressed in our prior letter of Oct. 17, 2005—many of which remain valid and do not appear to have been adequately addressed by the application or the draft permit. In addition, we note the following CONCERNS:

- (1) Because of the relatively high elevation of the subject site, plus the extreme height of the proposed landfill above mean site ground level, plus the lack of tall trees to provide any significant wind buffer, plus the extreme slope (4/1) for the edge of the landfill, plus the erodible nature of the local soils, I would suspect that the landfill would be quite vulnerable to windblown dispersal of waste products. This part of the country also receives tornados not infrequently, and high winds much more frequently. I question whether the application or the permit adequately have evaluated and planned for these issues.
- (2) Likewise, because of the same features, the landfill would be especially vulnerable to the spread of air pollution (noxious gases and odors) to adjoining properties. I question the evaluation and planning to contain this.
- (3) Firefighting issues. It is well known that because of the rural nature of Jack County, there exists relatively poor infrastructure of roads, and firefighting and emergency response capabilities are extremely limited. There is only a very small volunteer fire department, for example. There is often a shortage of water with

MSW

which to fight fires, and limited capability to deliver the water to the site of the fire. At the same time, the elevated, often windy conditions, when combined with the periodic drought conditions, make the fire hazard rather large on occasions. I call your attention to the numerous articles in several January 2007 issues of the Austin American Statesman regarding the brush dump fire presently raging in Helotes, Texas. Notice the comments in these articles about the extreme difficulty in extinguishing this fire, and the extreme quantities of water that would be required. By comparison, the proposed Jack County landfill would probably dwarf the Helotes brush dump. There is only a single narrow dirt road access to the landfill site, and it might even be impassible in the presence of a large grass fire in the area. I question whether the application or the permit have adequately evaluated the firefighting hazard and have an adequate plan in place to cope with such a fire. Needless to say, the pollution from any such landfill fire would be incomprehensible.

(4) Mineral development. I question whether the application or the permit have evaluated the possible consequences of active mineral development (e.g. large frac applications) upon the hydrology underlying the site.

(5) Catastrophic nature of breach of containment. Because the landfill is proposed to be nested down below the level of the subsurface groundwater, and because of the likely good hydrological connectivity of the groundwater both vertically and transversely, it is quite conceivable that a loss of containment through a breach in the liner would be irretrievable. Cleanup of any water pollution of the groundwaters and/or aquifer might not be feasible. I question whether the application or the permit have evaluated the consequences of a breach in containment, and whether they present a feasible plan for dealing with such an event.

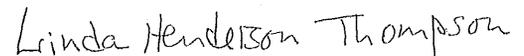
(6) Likewise, despite the likely catastrophic nature of any breach of containment, because of the unnecessary selection of an inland site overlying such water resources, the application and the permit do not propose the safety measure of employing double synthetic liner technology which is currently available.

Because of the concerns listed above, plus those listed in our prior letter of 10-17-05, and for many other reasons, this application should not be granted.

Respectfully submitted,



James R. Thompson



Linda Henderson Thompson