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MSW
51757

PM OPA
APR 13 2007
IPA BY

Lane E. Ahnell
11605 Rydalwater Lane
Austin, TX 78754

512 278-1953

April 11, 2007

To Whom it may concern,

I would like to request a public meeting over my concerns of the expansion of the BFI Landfill Expansion. I want to voice my concerns on how this facility directly affects me and my neighborhood. The permit applicants name is BFI Waste systems of North America, Inc permit number 1447A.

Please put my name on the mailing list of this application.

Thank you for listening to my concerns.

Sincerely,

Lane E Ahnell

Lane E. Ahnell

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 APR 13 AM 9:54
CHIEF CLERKS OFFICE

CMU

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: LANE AHNELL

Address: 11605 RYDALWATER LANE

City/State: AUSTIN Zip: 78754

Phone: (512) 278-1953

☒ Please add me to the mailing list.

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

If yes, which one? _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:39
CHIEF CLERKS OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

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

OVER

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 37
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: ROBERT G. Andrews

Address: 6815 ASHPRINGTON LN

City/State: AUSTIN, TX **Zip:** 78754

Phone: (512) 272-9333

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

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

OPA RECEIVED

MAY 24 2007

AT PUBLIC MEETING

Robert G. Andrews
6815 Ashprington Lane
Austin, TX 78754-5710
bobandrews1@earthlink.net

May 24, 2007

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:37
CHIEF CLERKS OFFICE

Ref: BFI Waste Systems of North America, Inc. proposed permit no. 1447A

To Whom It May Concern:

I am opposed to the approval of the referenced permit.

I would like to ask the Texas Commission on Environmental Quality to address the following questions:

1. Since BFI can not currently effectively handle rain run-off, what are their plans regarding the increased rain run-off and mud on the roadway which will result from the increased height they are proposing?
2. It is apparent that BFI does not have sufficient engineering controls for their current operation. How do they intended to effectively control gases, water pollution, trash, and other operational failures on their expanded site?
3. How will BFI prevent dump trucks from driving on prohibited roadways in the future since they have been unable to prevent them from driving on those roads in the past?
4. Why has BFI been unable to prevent gas migration into local water ways?
5. Why has BFI been unable to control the release of gas that creates smelly air in the local neighborhoods? How does BFI monitor gas releases?
6. How does BFI insure that trucks dumping in the landfill don't bring in prohibited items since these trucks come from as many as 30 surrounding counties? Why do they solicit garbage from counties other than Travis County? Are other counties subsidized by BFI, Travis County and/or the City of Austin?
7. I've been told that BFI charges less than other landfills. Is this true? Can they charge less because they are cutting corners to save operational costs that other landfills don't cut?

When I bought my home in Harris Branch I was aware there was a landfill nearby. However, I understood that when the landfill was full, it would close. Now that time is near and BFI wants to change the rules of the game. This is not acceptable. Tell BFI to fill up their landfill and move elsewhere!

Respectfully,

Robert G. Andrews

Robert G. Andrews

MW

Robert G. Andrews
6815 Ashprington Lane
Austin, TX 78754-5710
bobandrews1@earthlink.net

M540
51757

April 9, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 APR 11 AM 10:16
CHIEF CLERKS OFFICE

OPA
APR 11 2007
BY

IPY
PM

Ms. LaDonna Castañuela
Office of the Chief Clerk
MC 105, TCEQ
P.O. BOX 13087
AUSTIN, TX 78711-3087

Dear Ms. Castañuela:

My name is Robert G. Andrews and I live at 6815 Ashprington Lane, Austin, TX 78754. My phone number is (512) 272-9333. I am writing about permit number 1447A concerning a permit requested by BFI Waste Systems of N. America, Inc.

The purpose of my letter is to request to be put on your mailing list for this application, and also to request a public meeting to voice my concerns over the expansion of this facility. I believe the expansion of this facility will have significant negative effects on the residential properties surrounding the landfill.

Your consideration of this request for a public hearing will be much appreciated.

Respectfully,

Robert G. Andrews

Robert G. Andrews

CC:

Representative Mark Strama
Room EXT E2.506
P.O. Box 2910
Austin, TX 78768

Senator Kirk Watson
P.O. Box 12068, Capitol Station
Austin, TX 78711

Gave formal oral comment. (5)

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 32
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: KARIN ASCOT

Address: 405 ACADEMY DR

City/State: AUSTIN **Zip:** 78704

Phone: (512) 443-1135

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

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

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

MW

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: ED ATTRA

Address: 1613 BRUSHY VIEW COVE

City/State: AUSTIN, TX. **Zip:** 78754

Phone: (512) 837-4744

2007 MAY 25 AM 11:32
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

☑ **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

OPA RECEIVED
MAY 24 2007

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

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

AT PUBLIC MEETING

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

DO NOT EXPAND

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

MW

OPA

JUN 26 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 JUN 25 AM 10: 05

CHIEF CLERKS OFFICE

MSW 51757

DATE: June 12, 2007

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

FROM: Todd Ballard
6502 Carisbrooke Ln
512-577-4589

RE: Sunset Farms Landfill, Permit No. 1447 and Proposed 1447-A
BFI Waste Systems of North America, Inc. & Giles Holdings, L.P.

I am opposed to the expansion of the BFI/Sunset Farms Landfill, and request that the Executive Director deny the above referenced permit for the following reasons:

Would we want the land fill to be one of the highest points in Austin? The landfill is high enough, already it has become a landmark in Austin. The landfill has no place in the areas future.

There are school children less than a mile from the landfill that occasionally gets waste and other materials blown to and over them. There is also a community that lives near the landfill. Waste and hazardous materials could have health implications on the children of the school and one the people of the community. The smell of decaying waste is commonly blown over the school and the community. Inhalation of volatilized contaminants is known to have serious health implications.

With the new highways and growth spurt of Manor suburbs the landfill is not good for the health community or the future of the area.

Best regards,

Todd Ballard

MW

MSW 31757

Travis County Commissioners Court

SAMUEL T. BISCOE
County Judge

RON DAVIS
Commissioner, Pct. 1

SARAH ECKHARDT
Commissioner, Pct. 2

GERALD DAUGHERTY
Commissioner, Pct. 3

MARGARET J. GÓMEZ
Commissioner, Pct. 4

Travis County Administration Building, 314 W. 11th, Commissioners Courtroom, 1st Floor, Austin, Tx 78701

June 5, 2007

JUN 13 2007
BY

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 11 PM 2:39
CHIEF CLERKS OFFICE

RE: BFI Sunset Farms Proposed Municipal Solid Waste permit No. 1447a

Dear Ms. Castañuela:

Travis County Commissioners' Court provides the following comments regarding the above-referenced proposed permit amendment. This application is submitted by co-permit holders, BFI Waste Systems of North America, Inc., 4542 SE Loop 410, San Antonio, Texas 78222-3925, and Giles Holdings, L.P., 1223 Judson Road, Longview, Texas 75601-3922, to expand the existing landfill in Austin, Texas, located on Giles Road near its intersection with Blue Goose Road.

Travis County has been discussing landfill issues for many years with neighboring constituents, BFI and the other waste operators in this immediate vicinity. These discussions included a settlement agreement with Waste Management in the early 90's and negotiations over solid waste facility siting ordinances in the early 2000's. There have been many attempts to negotiate operating agreements, 'memoranda of understanding and agreement,' etc...with BFI which, despite good faith efforts on all parts, have not been successful. Ultimately, BFI applied for an expansion of their existing landfill operation. Indeed, it is this application that elicits these comments.

The Travis County Commissioners Court believes this part of the City of Austin and County has outgrown these types of facilities and eagerly awaits the time that they close these operations and move to more compatible locations. Be that as it may, regarding the existing application, it is Travis County's understanding that through the established permit review mechanism of the Solid Waste and Executive Committees of the Capital Area Planning Council of Governments (CAPCOG), certain special conditions have been specifically agreed to by BFI. Both the CAPCOG Solid Waste Advisory Committee and Executive Committee made these commitments from BFI prerequisite to a finding of conditional conformance with the Regional Solid Waste

MW

Management Plan. This conditional conformance was stated in a letter from CAPCOG sent to the Texas Commission on Environmental Quality on August 23, 2006, and re-committed to by BFI Waste Systems of North America, Inc./Allied Waste Services in a January 18, 2007, letter to CAPCOG. As such, these conditions have been embodied into the proposed permit by reference and attachments to the permit.

Agreed Special Conditions

By these comments it is Travis County's intention to identify issues of concern pertinent to the BFI expansion application. Travis County continues to refrain from opposing the BFI expansion because of the applicant's promised compliance with the conditions outlined in the conditional conformance finding by the CAPCOG RSWMP.

These conditions are as follows:

- All waste handling, including both disposal and operation of a transfer station, ends at BFI's Sunset Farms Landfill by November 1, 2015.
- New landfills may be located in the Desired Development Zone if they include adequate buffer zones and other safeguards to avoid incompatible land use.
- CAPCOG opposes any landfill application by BFI Sunset Farms for a permit to operate as a waste disposal site and/or transfer station after November 1, 2015.
- CAPCOG continues to strongly encourage BFI Waste Services of North America, Inc. to locate and permit a Greenfield site in another location and relocate from its current site in northeast Travis County as soon as possible thereafter.
- CAPCOG strongly encourages BFI Sunset Farms to commit to take the same quantity of waste that it has taken during recent years, including factoring in annual increases.
- CAPCOG strongly encourages BFI Sunset Farms to commit to bring no waste into Travis County from outside of Texas.

However, Travis County reserves the right to oppose the permit application if applicant fails to meet these special conditions. Consistent with these conditions articulated by CAPCOG and accepted by BFI, it is Travis County's understanding and position that BFI must leave the existing location earlier than November 1, 2015, if a new greenfield site is located and permitted prior to that date. BFI maintains that they are unable to secure an appropriate greenfield site. Secondly, should there be any future contested hearing on this matter, Travis County will seek party status so as to ensure the inclusion in the permit of the conditions required by CAPCOG.

FURTHER COMMENTS

Travis County provides further comments regarding this proposed permit amendment because of existing and (inevitable) future land use issues at the site; and regarding certain technical issues

existing and (inevitable) future land use issues at the site; and regarding certain technical issues associated with the proposed expansion; and regarding the applicant's compliance history.

Land Use Issues

Because of proximity to the landfill, adjacent landowners suffer visual, olfactory, and other impairments to the use and enjoyment of their private property. The applicant has a history of nuisance odor violations that have affected neighboring communities. Moreover, the location of the proposed expansion is in the community's preferred growth corridor, known as the "Desired Development Zone" as designated by the City of Austin's Transportation, Planning and Sustainability Department. Thus, many residences, commercial buildings, and employment sites have been, and in the near future will be, constructed near the site. Contextually, it must be noted that there are almost one thousand residences within one mile of the proposed site. Indeed, the application acknowledges that this is the fastest growing sector of the Austin metropolitan area. Further, the Greater Austin Chamber of Commerce states that there was 48% growth in the 1990's and the 2000 census indicates only four U.S. metro areas saw greater total net migration than Austin between 1995 and 2000. Thus, in terms of siting facilities for expansion that avoid nuisances to neighbors and communities, this location is obviously a poor choice. It is clear that the land use pattern that will prevail for the foreseeable future in the vicinity of the proposed expansion is incompatible with ongoing, expanded, and perpetual waste disposal activities.

A partial list of proximate existing and proposed residential developments follows.

- Harris Branch Subdivision
- Harris Branch Speyside Subdivision
- Harris Branch single family (new project across from BFI on Blue Goose)
- Chimney Hill Austin
- Chimney Hills North
- Walnut Place Neighborhood
- Colonial Place neighborhood (close to Waste Management on Springdale)
- Pioneer Crossing (several phases)
- Pioneer Hill - new pilot project for COA - TND - Traditional Neighborhood
- Development concept
- Pioneer Apartments on Sprinkle
- Old Manor at Rosemont (apartments on 290 East)

In addition to these proximate residential developments, there are two closely located and well-established commercial enterprises: Applied Materials (employing about 2,000 people or more) is located within 2 miles of the site; and Samsung (employing about 1,000-1,500 people) is also located nearby. Additionally, there are several housing projects under construction on Johnny Morris Road and others being constructed to the north and east of the landfill.

The application suggests that because there are 793-acres of permitted landfills within one square mile of the facility, the proposed expansion does not constitute a change in land use patterns. This suggestion is misleading because approximately one-third of that acreage is comprised of a closed landfill that will never re-open. The remaining acreage is between 5-8 years away from

final contour and SHOULD be closing, never to re-open. Further the application seems to suggest that because 65% of the land within one square mile is open land there are no impending compatibility conflicts. This too is misleading in light of the above-stated information that this area is the fastest growing planning sector in the City of Austin; it also ignored the fact that a major new roadway (SH 130) connecting nearby to SH 290 will casue an increase in commercial and residential development opportunities; indeed, without limiting conditions the landfills could be phased out as completely incompatible land uses.

While Texas Counties may not have the ability to zone in order to control land uses in rapidly suburbanizing areas, with regard to BFI and Waste Management, the Travis County Commissioners Court has clearly, consistently and continuously informed those landfills that as they currently function they are no longer a compatible land use in this area. Despite such communication and in the face of unprecedented surrounding residential and commercial growth, these landfills refuse to relocate to property more compatible with the operation of a landfill, preferring instead to continue to seek additional expansion and growth at the current, incompatible, locations.

The proposed facility has a permanent benchmark height at 613.4' which represents the natural land surface, and a final contour authorization of 720'above mean sea level (msl). If this expansion application is authorized, the BFI landfill will have a split-level final contour design of 795 feet msl on the west side (75' height increase) and 775' msl on the east side (50' height increase). It is important to recognize that the cited height increases of 50' and 75' are calculated from the 720' final contour of the existing permitted facility, not from the actual natural ground level. It is also notable to recall that the 720' final contour was recently raised or expanded from 710' by virtue of a simple administrative request to the TCEQ in 2002. The reality is that even if the BFI landfill does not further expand the existing final contour of 720', would represent an elevation that is over 100' taller than the natural ground level (e.g., 613.4' msl onsite benchmark). Adding the requested additional 50-75' would elevate it nearly 200' above the natural ground level. Interestingly, this elevation would ensure that the landfill exceeds by more than 100' any surrounding high point in the area thus essentially making the proposed BFI expansion a regional landmark.[1] The landfills are already clearly visible to motorists on SH 130 and not only visible, but distracting to those traveling on US 290E.

Technical Issues

The limited footprint, resulting steep shoulders, and unprecedented proposed height, when combined with existing and future operation challenges at the BFI landfill require comment from

[1] Once completed this imposing facility with its 795' height above mean sea level (msl) will tower more than 100' (equivalent to a 10-story building) above the nearest **high points** in the natural elevation. A review of the USGS topographic maps for the area indicates the highest nearby elevation is 674' msl at Bald Knob benchmark (USGS Quadrangle – Manor Sheet); 671' msl to the south and west near the flea market and on WMT land and 690' msl to the northeast near the Jourdan Bachman Pioneer Settlement Farm. Regardless of the talent of the landscape architects employed by the applicant, this unvegetated prominence, particularly while filling, will at best be a very odd high point surrounded by an urban environment. Despite the fact that TCEQ does not concern itself with aesthetics, a common sense wisdom regarding land use compatibility should question, if not at least address, the short and longterm utility of such a large prominence.

the Travis County Commissioners Court.

The proposed steep sided design creates technical challenges for appropriate stabilization and management of the facility. During inevitable periods of high rainfall, such a steep-walled facility will be much more likely to be unstable and to thus create slumping and stabilization challenges for both employees and customers. Rapid runoff caused by such steep slopes, will create increased erosion potential which will be more likely to overwhelm sedimentation controls. It has taken the applicant more than two years to revegetate a wetland area, a task seemingly less onerous than the revegetation of steep eroding walls. Currently, the facility with its relatively flat contours has released polluted stormwater and has regular, on-site, flooding episodes. A situation that must only be compounded when high rainfall events send stormwater down the proposed, un-vegetated, 4:1, sloped walls.

Within the last five years, profound odor, leachate, landfill gas and pollutant discharges have adversely impacted adjacent landowners. These discharges occurred during a period of high scrutiny on the landfills and the associated noxious migrating emissions, affected thousands of citizens both adjacent to and miles from the area. Through substantial effort and investment, applicant appears to have upgraded the facilities to a level of compliance acceptable to TCEQ that should, if applicant remains vigilant, allow it to reach currently permitted closeout at existing operation levels without excessive repetition of such noxious emissions. However, the proposed expansion at the BFI landfill constitutes such a dramatically escalated operation that it is highly likely, if not inevitable, that the site would once again be unable to contain noxious discharges. Further, if there are un-anticipated operational emergencies or regulatory updates requiring innovation or modernization of the facility, it would appear the waste footprint and surrounding floodplain prevent any flexibility.

Lastly, it is not clear what possible ultimate end use is intended for this land. This will be nearly 400-acres of very steep, un-forested land in what will be a fairly central urban area in the very near future. The owner and operator owe the community a look into the vision for this end land use.

Compliance Issues

TCEQ has fined the applicant for the following violations: stormwater pollution, leachate system operating violations, nuisance odors violations and emissions of harmful gases that affected neighbors and communities. Given this history of violations, and given such a large expansion proposal, it is probable that violations will increase in proportion to the size of the expansion. Thus it would seem prudent to require the applicant to demonstrate that it has taken steps to mitigate this possibility.

A summary of the applicant's violations follows.

BFI Citations

BFI, as owner and operator of the Landfill, has been cited by the TCEQ as follows:

1. 30 TEX. ADMIN. CODE §330.111 by deviating from the Landfill's site operating plan by allowing the leachate head to rise more than 12 inches above the liner, as documented during an investigation conducted on **December 6, 2001**;
2. 30 TEX. ADMIN. CODE §330.111 by deviating from the Landfill's site operating plan by failing to increase the frequency that the leachate levels were monitored after leachate levels were measured above the 12-inch limit, as documented during an investigation conducted on **December 6, 2001**;
3. 30 TEX. ADMIN. CODE §101.4, and TEX. HEALTH & SAFETY CODE §382.085 (b) by discharging one or more air contaminants is such concentration and for such duration so as to interfere with the normal use and enjoyment of property, as documented during an investigation conducted on **April 4, 2002**;
4. 30 TEX. ADMIN. CODE §305.125 (11), Texas Pollutant Discharge Elimination System General Permit No. TXR050000, Part III, Section A.5.h, and TEX. WATER CODE §26.121 by failing to adequately conduct quarterly visual inspections of either each outfall or an outfall that is representative of the others, as documented during an investigation conducted on **March 27, 2002**; and
5. TEX. WATER CODE §26.121 (a) (2) by allowing an unauthorized discharge of waste into or adjacent to any water in the state, as documented during an investigation conducted on **March 27, 2002**. Specifically, A TCEQ investigator observed accumulations of sediment and landfill debris in drainage channels that flow into unnamed tributaries of Walnut Creek.

Source:
June 23, 2004 Agreed Order Docket No. 2002-0936-MLM-E

Permit Text Clarifications
In addition to the land use, technical and compliance history issues, there are several areas in the permit application which need clarification and/or change.

1. Who is the actual applicant and who will ultimately be liable? Most documents suggest BFI Waste Systems of North America, Inc. is the applicant; however, others suggest Giles Holdings, Inc. may be a co-applicant. Given the current compliance history rules and a common sense approach to enforcement challenges, it would seem prudent to have a single entity responsible for operations and post closure requirements so there is no question of liability when violations occur.
2. Section I.J contains an explanation of ownership of the land and discussion regarding transfers in ownership between Mobley Chemical, Inc., L.P., Texas Landfill Consultants, Inc. and Giles Holdings, L.P. between 1991 and 1999; however, there is no mention of the original party referred to as 'Tiger Corporation,' the entity identified as the site owner in the original 1982 Texas Department of Health permit. It would seem that the explanation of ownership is deficient in this regard. It might also be prudent to explain in layman's terms why this property changed hands a minimum of four times between 1982 and 1991.
3. Section I.J also documents the transfer of a 54.119-acre portion of the original 349.4 acre tract from Giles Holding, L.P. to BFI Waste Systems of North America. It would be

helpful to understand what part of the facility is located on this 54.119-acre portion of the overall site and why such transfer occurred.

4. The summary of the proposed permit amendment application suggests that TCEQ is making its decision based upon the four volume, four part application dated August 1, 2005 along with revisions dated May 8, 2006, August 22, 2006, November 10, 2006, January 18, 2007, February 12, 2007, and March 14, 2007. Travis County received the initial volumes dated August 1, 2005, after requesting them from BFI; however, despite a longstanding history of dialogue, no subsequent revisions were sent to Travis County for review. Travis County thus reserves the right to make further comment upon those sections after received and after having a reasonable time to review them.
5. Consistently throughout the August 1, 2005, Permit Application, the termination date for receiving wastes listed is 2018. This figure is used for all calculations found throughout the document and conflicts with stated commitments to the Capital Area Council of Governments and others that applicants would cease acceptance of wastes by November 1, 2015. BFI, Allied Waste and Giles Holdings should thus revise the dates and rates of acceptance everywhere stated in the application to conform to the November 1, 2015 date.

Summary

In our ongoing monitoring of BFI's promise to comply with the conditions of the CAPCOG RSWMP conditional conformance finding, we offer these comments identifying issues of concern pertinent to the BFI expansion application. In addition to these comments, we will continue to represent the interests of Travis County, as outlined by the CAPCOG conditions and otherwise, by pursuing party status in any future contested hearing for BFI and Giles Holdings' permit amendment.

Sincerely,

TRAVIS COUNTY COMMISSIONERS COURT

Samuel T. Biscoe
Travis County Judge

Ron Davis
Commissioner, Precinct One

Sarah Eckhardt
Commissioner, Precinct Two

Gerald Daugherty
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four

ITEM 20 CONTINUED

A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt that we strike all reference to whether or not we oppose the application, since whether or not we oppose the application is premature at this point, and I would also suggest that we include comment regarding the explicit request to increase the rate of acceptance in recognition of including our erroneously deleted condition regarding rate of acceptance.

Clerk's Note: The Friendly Amendment was not accepted.

Clerk's Note: The Court took a vote on whether to vote on the Substitute Motion before the Standing Motion.

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	no
	Precinct 2, Commissioner Sarah Eckhardt	no
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: The Court took a Vote on the Substitute Motion.

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	no
	Precinct 2, Commissioner Sarah Eckhardt	no
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

I, Dana DeBeauvoir, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Travis County, Texas, do hereby certify that the above is correct information from the Proceedings of the Commissioners' Court of Travis County, Texas.

Witness my hand and seal, this the 8th day of June, 2007.

SEAL OF COMMISSIONERS' COURT ★ TRAVIS COUNTY, TEXAS ★

DANA DeBEAUVOIR
County Clerk and Ex-Officio Clerk
of the Commissioners' Court of
Travis County, Texas

By: Gillian Porter
Gillian Porter, Deputy

CERTIFIED MINUTES EXCERPT

The Travis County Commissioners' Court convened on June 5, 2007. The following Item was considered:

THIS ITEM TO BE TAKEN UP AT 2:00 P.M.

20. CONSIDER AND TAKE APPROPRIATE ACTION ON THE EXPANSION APPLICATION AND RELATED DOCUMENTATION OF BFI-ALLIED WASTE FILED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (2:27 PM) (4:44 PM) (5:56 PM)

Clerk's Note: Judge Biscoe announced that Item 20 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Robin Schneider, Texas Campaign for the Environment; Joyce Best, Northeast Action Group; Mark McAfee, Owner, Barr Mansion; Ann McAfee, Travis County Resident; Melanie McAfee, Owner, Barr Mansion; Fidel Acevero, Travis County Resident; David Martinez, Travis County Resident; Brad Dougas, Allied Waste/BFI; Paul Gosselink, Attorney representing BFI; Ray Schull, Engineer, BFI; David Escamilla, Travis County Attorney; and Steve Shannon, Recycling Department, BFI.

Motion by Commissioner Davis **and seconded by** Commissioner Eckhardt that we oppose the BFI/Allied Waste application before the Texas Commission on Environmental Quality (TCEQ). This is their amended solid waste permit 1447 A.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion by Commissioner Davis was to oppose the BFI/Allied Waste expansion instead of responding to the letter for comments.

A Substitute Motion was made by Judge Biscoe **and Seconded by** Commissioner Daugherty for the Court to approve option A with the comments given legal counsel, after receiving legal advice; that those things be incorporated into option A; that in addition we direct the County Attorney's office to draft appropriate documents to make the mutual commitments enforceable, including consideration of the TCEQ permit, protective covenant, enforceable agreement, financial security, any other appropriate matters, and report back to the Court in two to three weeks, June 19, 2007 to June 26, 2007. This anticipates working with representatives from BFI between now and that time to put appropriate documents in place.

SAMUEL T. BISCOE
COUNTY JUDGE

TRAVIS COUNTY ADMINISTRATION BUILDING
314. W. 11TH STREET, ROOM 520
P.O. BOX 1748, AUSTIN, TEXAS 78767

7000 1670 0004 6009 4648

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

RECEIVED
JUN 11 2007
TCEQ MAIL CENTER

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Jim & Cheryl Bowles

Address: 7117 Whiffletwind Way

City/State: Austin, TX Zip: 78754

Phone: (512) 272 4174

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:38
CHIEF CLERKS 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? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

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

Initially, I was not going to provide written comments. However, even though I may not say anything unique, I want to express my opposition to the expansion of these landfills.

When I moved here (Harris Branch) seven years ago, I was aware the landfill was here, but for the first year it was not noticeable. In October 2001 we started smelling it every morning, evening & most days & through the nights. This corresponded to the change in ownership & was no coincidence.

We understood ~~that~~ that the end-of-life for the landfill was near and appealed to the owners/operators to fix the problem. ~~It~~ took nearly two years to notice any progress. ~~The~~ We believed that, even if it weren't "fixed" it would soon be over.

Now the request to extend the lifetime of this facility at the expense of the overall quality of life of ~~the~~ its neighbors is being considered.

Given the slow, and "forced" (forced) response by the owners/operators to our earlier requests, it is doubtful that, once they receive a permit for the expansion, that they will ~~do any~~ be any more compliant and we will face years of battling them.

To add insult to injury we will be living in the evening shadow of the highest geographical point in Travis County. I don't think that is what I will be proud to share with anyone else.

Thank you,

Jim Bowles
7117 Whifflewind Way
Austin, TX 78754

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 PM 11:38
CHIEF CLERK'S OFFICE

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

mw

MSW
51757

PO Box 142427,
Austin, 78714

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 JUL 11 AM 9:22

CHIEF CLERKS OFFICE

Office of the Chief Clerk,
MC 105, TCEQ
PO Box 13087
Austin 787

OPA

JUL 11 2007

BY JJ

I am writing this letter for my family. We have lived at 12,049 Cameron Rd. for thirty-nine years. This is our home. I have reared four children here & built it ourselves.

We were here way before this dump that has grown & grown. We have put up with all the dump trucks carring trash, most of which does not come from Travis County; why must we put up with this dump as they plead to expand seven stories higher.

The stench from the dump is intolerable at times & embarrassing at times when guests arrive at my home & we can't use our patio.

Why does the City issue more & more building permits in this area close to the dump?

Every bump the trash trucks hit on the road send a loud clap of noise vibrating through the air as they travel with their tail gate flapping

in the breeze at 5AM.

I am constantly yelling at the trash trucks as they speed down Cameron Rd. + past my gate going 65 miles per hour when the speed limit there is 30 miles per hour.

I fear for the lives of my grand children driving in our gate.

I demand that they close their business down + move elsewhere more appropriate. We have put up with them long enough!

I'd like to breath fresh aire and stop worrying about my health while I breath whatever comes from this dump.

Thank you for reading this + I hope taking it to heart. Enough of them is enough! Let Williamson County etc. take care of their own trash. Everything undesirable is dumped on the east side of Travis County. Have you ever driven 183 south + caught the stench from the waste water treatment plants. So does the east side of Austin. We are tired of being used to dump on. Thank you

Dr. Mrs. J. L. Bregzale

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Dewy Brooks

Address: 9210 Wellesley

City/State: Austin, TX Zip: 78754

Phone: (512) 933-0335

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 3
CHIEF CLERKS 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? Chimney Hills North Neighborhood Association

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

Dewey Brooks, CHNNA@AUSTIN.RR.COM
9210 Wellesley Dr
Austin, TX 78754 P- 933-0335
Chimney Hills North Neighborhood Association

- if TCEQ only makes recommendation to the commissioners to pass or fail an application, why don't the commissioners attend the meeting.

- It would seem that a site can be deemed environmentally acceptable even though it can be still be harmful to those that live in the area. May be the standards need to be raised?

- Just meeting requirements is no excuse for the harmful effects it does to people.

Public Meeting
Thursday, May 24, 2007 7pm
Manor Middle School Cafeteria
10323 East Highway 290

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:08
CHIEF CLERKS OFFICE
OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 JUN 13 AM 10: 02

CHIEF CLERKS OFFICE

DATE: June 12, 2007

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

FROM: Linda Bullock
11501 Loweswater Lane
Austin, Texas 78754
Phone: 512-272-4459

OPA
JUN 14 2007
BY

RE: Sunset Farms Landfill, Permit No. 1447 and Proposed 1447-A BFI Waste Systems of North America, Inc. & Giles Holdings, L.P.

Dear Ms. Castañuela:

Imagine opening the steel door of a community dumpster. The rancid, gut-twisting air that escapes is exactly what I smelled this morning, and several recent mornings, when I stepped outside at 5:30 a.m. to exercise before going to work. But this is no surprise to me. I have lived in Harris Branch since 1992. I've become accustomed to noxious fumes, dust storms, mud banks, and litter. Yet I, like so many of my neighbors, continue my struggle to reclaim the promise of our community and our city.

I have faithfully contacted political representatives and attended meetings in hopes of closing, and certainly curtailing, the insolent behaviors of BFI's management. My experience gives me the confidence required to use the word *insolent* honestly. I was once sneeringly told by one of the company's managers at a public meeting regarding the renewal of the company's contract that we, the public, could do nothing to prevent BFI from achieving their aim. I was disgusted at the moment, but he was clearly telling the truth. The city not only permitted the company to continue its function but did nothing to curtail the behaviors that threatened our health and property values.

After years of poor management, illegal nighttime activity, and slovenly disposal habits, BFI's management now requests permission to expand. Please, please deny the request. This is the very company whose

representative declared at a recent public meeting that Sunset Farms could match the standards of another, more conscientious waste-management company serving central Texas if only they had more land to build the necessary facilities. That statement revealed the crux of this dilemma. BFI knows they are endangering public health and yet feel that an external cause of their inadequacy exonerates their behavior.

When I first moved to Harris Branch, it was a lovely neighborhood with great promise of becoming an ethnically diverse middle-class community. With Austin's determination to support BFI at the expense of citizen and environmental health, the neighborhood struggles to survive. Houses remain unsold year after year, dashing hopes of escaping the landfill and its toxic consequences.

Why do properties only miles from Austin's center remain hostage to a public-health nightmare that undercuts local economic growth and stability? I am asking you, as I've asked so many others, to end BFI's carte-blanche privileges. Please, deny permission for the landfill to expand.

Sincerely,

Linda Bullock

Linda Bullock

SIERRA CLUB
FOUNDED 1892
Lone Star Chapter

MSW 51757

OPA
JUN 20 2007
BY DM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 21 AM 10: 13
CHIEF CLERKS OFFICE

June 18, 2007

LaDonna Castanuela, Office of the Chief Clerk
Texas Commission on Environmental Quality, MC 105
PO Box 13087
Austin, Texas 78711-3087
Via fax and mail: 512-239-3311

Re: Sierra Club comments on landfill expansion permit no. 1447A requested by BFI for its NE Travis County landfill operations

Dear Ms. Castanuela:

On behalf of the Sierra Club's Lone Star Chapter, I am submitting comments on permit number 1447A requested by BFI for its NE Travis County landfill operations. The Sierra Club strongly supports the requests by local community members for a contested case hearing because I have many concerns regarding this application and the impact to our business and community. The Sierra Club strongly opposes the issuance of permit 1447A since BFI should not be allowed further landfill expansions in NE Travis County for numerous reasons.

1. Air Pollution Complaints: BFI's NE Travis County landfill is a source of odorous toxic air pollution impacting people and children living in the NE neighborhoods, working at businesses and trying to enjoy being outdoors and recreation in public access areas.

Many odor and toxic chemical complaints have been made to the TCEQ in order to call your urgent attention to the toxic air pollution concerns of residents living in several Northeast Austin/Travis County neighborhoods, who are experiencing frequent nuisance odors and noxious gases emitted by several large landfills sited in NE Travis County.

The permit needs to investigate and help address the serious health concerns of many Harris Branch families in NorthEast Travis County who are breathing toxic landfill gases being produced by the large municipal landfills in the area. The greatest concern by city, county and regional elected officials needs to be for the health of area children who are by far the most vulnerable to pollution assaults such as these landfills are emitting on a routine basis. The Texas Natural Resource Conservation Commission has permitted both landfills and has a primary responsibility for investigating complaints of odors and toxic landfill gases, but the agency has a conflict of interest since it both permits and responds to public complaints about these operations. In reviewing permits, complaints and violation records for landfills in Texas, it's obvious that TCEQ appears more interested in the permitting side of landfills than in addressing

MW

complaints about odors and toxic gas emissions from local residents. Clearly the TCEQ needs to do a better job of protecting public health with respect to landfill emissions, but it's also important for TCEQ to work with the community and local officials to insure that public health and welfare are adequately protected. TCEQ officials need to become sensitive to and aware about landfill gases due to these emissions toxic power and the various problems they can create for local residents.

There are two principal landfills located in NorthEast Travis County and are adjacent to each other forming a continuous huge landfill operation with significant emissions of toxic gases from biological decomposition processes as the waste cook around the clock:
1) AUSTIN COMMUNITY LANDFILL owned and operated by Waste Management, Inc. (WMI - Permit #249C).
2) BFI/SUNSET FARMS owned and operated by BFI/Allied Waste (BFI - Permit #1447).

Both landfills offgas continuously although gas collection-flare systems or sales gas lines are in place, but they are unlikely to capture all landfill gases due to underground seepage offsite. These landfills have been in operation since 1970 for WMI, and 1981 for BFI. The City of Austin sends 1/3 of its waste to BFI and has 2 small contracts with WMI. The bulk of Austin's garbage goes to another landfill in Creedmoor. These landfills are apparently operating as regional facilities since a lot of the garbage coming into these landfills is from adjacent counties.

Harris Branch is a 15-year old subdivision located northeast of the landfills between 1/2 mile to 2 miles. It has over 500 homes and still building. This subdivision is not the only subdivision affected by these odors. Residents in a 4 to 5 mile radius are now affected by these terrible odors, all the way to Yaeger, Parmer and IH35. Harris Branch residents and their children suffer more often because of the prevailing winds.

Perhaps the most important point here is that children are the most vulnerable subpopulation to such air pollution exposures. We need to decrease childhood exposures to toxic substances but even in Travis County we are not doing enough to protect our children. An epidemic of developmental, learning, and behavioral disability problems has become evident among our children today. Currently it is estimated by health experts that nearly 12 million children (17%) in the US under age 18 suffer from one or more learning, developmental, or behavioral disabilities. Attention deficit hyperactivity (ADHD), according to conservative estimates, affects 3-6% of all school children, and newer evidence suggests it may be as high as 17%. Children on the drug Ritalin for this disorder has been doubling every 4-7 years since 1971 and by 2000 has reached an estimated 1.5 million. Learning disabilities alone may affect about 5-10% of children in public schools. Number of children in special education programs classified with learning disabilities grew by 191% from 1977-1994. Autism incidence may be as high as 2 per 1000 children and California registry data show it jumped 210% between 1987 and 1998. It's my opinion that toxic chemical exposures from a variety of sources play a major role in this epidemic and that's precisely why officials need to work together with the TCEQ to reduce toxic exposures, including from the NE Travis County landfills. I believe that the question is not are area children being adversely impacted by the landfill gases, the question is how much are they being affected.

The following information is why children and school children are among the most vulnerable to air pollution from the harmful landfill gases:

* Children breathe more rapidly than adults, taking in significantly more pollution per body weight than do adults. A resting infant, for example, inhales twice as much air, relative to size, as does a resting adult.
* Children are more active while outdoors than adults, spending three times as much time engaged in sports and other vigorous activities. Increased activity raises breathing rates and pollution exposure significantly.
* Children's airways are narrower than those of adults, thus enhancing the inflammatory effect of air pollution.
* Children are prone to mouth breathing, which significantly increases the dose of pollution reaching the lungs.
* Children are also particularly vulnerable to toxic substances because their bodies are immature and rapidly growing. Children do not have a fully developed immune system, liver, or kidneys to help protect them from the damaging effects of many chemicals. Immature lungs are unable to remove or neutralize contaminants adequately, and developing brains and neural pathways are particularly vulnerable to toxins. In addition, some chemicals affect the endocrine system, potentially disturbing neural, reproductive, and immune development.
* Airborne carcinogens and mutagens appear to have a greater effect on children, possibly because rapidly growing tissues are less differentiated and more "suggestible" than mature tissues.

2. Toxic Air Pollutants: BFI's NE Travis County landfill is a source of odors containing toxic air pollution impacting the NE neighborhoods, businesses and public access areas.

Landfill gases are, in fact, highly toxic according to scientific studies identifying numerous harmful chemicals released during breakdown of the wastes. Indeed landfills are scientifically known to release many dangerous substances into the air as a result of the biological decomposition of the waste materials like polyvinylchloride (PVC is about 50% chlorine), a relatively common material in municipal landfills. Bottom line is that none of the gases emitted from a landfill can be considered safe for people to breathe, but these gases are particularly harmful to children and other sensitive members of the community.

At least 15 chlorinated carbon compounds (***) have been identified among at least 33 known toxic landfill gases such as carbon tetrachloride and chloroform, which are both exceptionally toxic substances. In addition, it's highly probable that there are many more than 33 toxic landfill gases being released if additional air sampling and analysis were conducted. So this is not meant to be an exhaustive list of landfill gas emissions.

Many of the substances are known human carcinogens (at least seven of the compounds) like benzene and vinyl chloride, and others are suspected human cancer-causing agents. See the abbreviated toxicity classification next to some chemicals. "C" is for for Carcinogen. "BD" is for birth defects. "R" is for reproductive toxins. "N" is for neurotoxin. "CT" is for chronic toxin. "M" is for mutagen.

The 30 hydrocarbons (carbon-containing with hydrogen atoms) are compounds #1-3, 6-18, and

20-33. Only Carbon Dioxide (CO2), Hydrogen Sulfide (H2S) and Carbon Disulfide (CS2) are not hydrocarbons by lacking either carbon or hydrogen atoms. There are 16 landfill gases known as Hazardous Air Pollutants (HAPs) under Title III of the 1990 Federal Clean Air Act amendments.

1. Acetone - CT
2. Benzene (HAP) - C, BD, R, CT
3. Bromodichloromethane ***
4. Carbon Dioxide
5. Carbon Disulfide (HAP) - BD, R, CT, N
6. Carbon Tetrachloride (HAP) *** - C, BD, CT
7. Chlorobenzene (HAP) *** - CT
8. Chloroform (HAP) *** - C, BD, R, AT
9. Cumene (HAP) - N, CT
10. 1,2-Dibromoethane - C, BD,M, R, AT
11. 1,4-Dichlorobenzene (HAP) ***
12. 1,1-Dichloroethane ***
13. 1,2-Dichloroethane *** - C, M
14. Dichlorodifluoromethane ***
15. Dichlorofluoromethane ***
16. Ethyl Benzene (HAP) - BD, R, CT
17. 3-Ethyl Toluene
18. Hydrocarbons (C5 - C10)
19. Hydrogen Sulfide - N
20. Methane
21. Mercaptans
22. Mesitylene
23. Meta-Xylene (HAP) + Para-Xylene (HAP) (benzene derivatives) - BD, R, CT
24. Methylene Chloride (aka Dichloromethane) (HAP) *** - C
25. Methyl Ethyl Ketone (HAP) - BD, R, CT, N
26. Ortho-Xylene (HAP) - BD, R, CT
27. Tetramethylbenzene Isomers
28. Tetrachloroethylene (HAP) ***
29. Toluene (HAP) - BD, R
30. 1,1,1-Trichlorethane *** - BD, R
31. Trichlorethylene (HAP) ***
32. Trichlorofluormethane ***
33. Vinyl Chloride (HAP) *** - C, BD, M, R, CT

*** means Chlorinated Compounds
AC = ACUTE TOXIN
BD = DEVELOPMENTAL TOXIN (CAUSING BIRTH DEFECTS)
C = CARCINOGEN
CT = CHRONIC TOXIN
M = HERITABLE MUTAGEN (CAUSE GENETIC CHANGES TO DNA OR GENES)
N = NEUROTOXIN

R = REPRODUCTIVE TOXIN
HAP = HAZARDOUS AIR POLLUTANT (list of 188 HAPs is from Title III of the 1990 Federal Clean Air Act Amendments signed into law November 15, 1990)

3 Cites (scientific references):
Landfill gas information cited from two papers #1 and #2; toxicity info from #3.

#1. Peer-Reviewed Science Article -- Mark Goldberg, N. Al-Homsi, and H. Riberdy, "Incidence of Cancer among Persons Living Near a Municipal Solid Waste Landfill Site in Montreal, Quebec," Archives of Environmental Health Journal Vol. 50, No. 6, November/December, 1995, 416-424. Phone for epidemiologist Mark Goldberg, Ph.D. (514) 858-7510 poste 236 at the Maisonneuve-Rosemont Hospital, Occupational & Environmental Health Section, Public Health Dept, Montreal, Quebec, Canada.

#2. Peer-Reviewed Science Article -- Mark Goldberg, L. Goulet, Y. Bonvalot, and H. Riberdy, "Low Birth Weight and Preterm Births among Infants Born to Women Living Near a Municipal Solid Waste Landfill Site in Montreal, Quebec," Journal of Environmental Research Vol. 69, 1995, 37-50.

#3. Toxicity information excerpted from report DANGER IN THE AIR: Toxic Air Pollution in the Houston-Galveston Corridor, December 1996, published by the Galveston-Houston Association for Smog Prevention. Report downloaded at: http://www.ghasp.org Article 6 is on Children and Air Toxics: Children's Health Threatened by Air Toxics, pp. 72-78, Neil J. Carman, Ph.D., and Winifred J. Hamilton, Ph.D.

#4. Conference on Landfill Gases (methane, CO2 and other gases discussed) - October 9, 1995 - Contact Lisa Pogoff, email: <lisa.pogoff@health.state.mn.us>, phone 612-215-0916, Minnesota Department of Health, Environmental Health Site Assessment & Consultation Unit, 121 East Seventh Place, PO Box 64975, St. Paul, MN 55164-0975.
****

3. Poor Compliance History at BFI NE Travis County Landfill

TCEQ knows that hazardous waste was illegally buried and remains in the NE landfills and needs to be removed.

The public health of the residents of NE Travis County is threatened by the lack of compliance with the provisions of the subject permit and the negligent failure of your agency to enforce such compliance. There have been repeated problems reported and over a long period of time. It should be noted that BFI has what I would describe as a terrible compliance record nationwide at many landfills and has been the subject of criminal investigations, which should be considered in the permit expansion request. A company like BFI with criminal violations at other landfill sites in the nation should not be allowed to expand its NE Travis County landfill.

At the height BFI plans to expand, since it will be highest point in Travis County (above sea level) it will not only be impossible to screen this from our business but impossible to screen it

from the entire Northeast quadrant in town. The NE Landfills, if allowed to continue expansion, will ultimately cover the entire 1000 acres bounded by Giles Road, Blue Goose Road, Springdale Road and US 290 The community in this area has been 'invaded' and targeted under the guise that garbage has to go somewhere and targeted because it is an area of ethnic minorities and poor people. The population density of present and planned neighborhoods and the fact that the Northeast area is now an important growth corridor for Austin, the "preferred-growth-corridor," has been ignored by the process. Continuing to expand this cluster of landfills beyond their permitted lives will ultimately cost the tax-base over 24 million dollars in annual revenues that would otherwise accrue from housing developments in surrounding areas. The City Council of Austin voted, unanimously, to oppose these expansions largely on "inappropriate land-use."

There is no crisis in landfill capacity for Travis County, requiring expansion approvals for the NE Cluster Landfills before critical health questions are answered. CAPCO even states in their report dated July 2002, "while there appears to be adequate landfill capacity in the CAPCO region for the current planning period [2002-2020], there is a disparity in accessibility to these centrally located facilities for many rural residents outside of the Austin area." These regional landfills, not only serve the 10 county CAPCO region but also accept waste from 20 additional counties. Travis county essentially accepts all the CAPCO region since 6 other counties have no landfills and Williamson County can not import more than they export. Other metropolitan Counties have addressed the problem of balance between rural and more developed central counties. Houston transfers most of its waste out to sparsely developed areas, 25 miles from the CBD, and uses transfer stations closer in.

In conclusion, I urge that BFI's request for permit 1447A be denied, that no further expansions of the NE Landfills be approved, and that a full, comprehensive health investigation be done in the area.

Sincerely,

Neil J Carman, Ph.D.
Clean air program director
Lone Star Chapter Sierra Club
1202 San Antonio street
Austin, Tx 78701
512-472-1767 Tel

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Sincerely,

Neil J Carman, Ph.D.
Clean Air Program Director
Lone Star Chapter Sierra Club
1202 San Antonio street
Austin, TX 78701
Tel: (512) 472-1767

SIERRA CLUB
FOUNDED 1892

LONE STAR CHAPTER
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Austin, TX 78767

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LaDonna Castanuela, Office of the Chief Clerk
Texas Commission on Environmental Quality,
MC 105
PO Box 13087
Austin, Texas 78711-3087

a Club

OPA BY
JUN 20 2007
BY OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 20 AM 8:29
CHIEF CLERKS OFFICE

June 18, 2007

LaDonna Castanuela
Office of the Chief Clerk
MC 105, TCEQ
PO Box 13087
Austin, Texas 78711-3087
Via fax and mail: 512-239-3311

MSW
51757

Re: Sierra Club comments on landfill expansion permit no. 1447A requested by BFI for its NE Travis County landfill operations

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MW

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* Children are more active while outdoors than adults, spending three times as much time

engaged in sports and other vigorous activities. Increased activity raises breathing rates and pollution exposure significantly.

* Children's airways are narrower than those of adults, thus enhancing the inflammatory effect of air pollution.
* Children are prone to mouth breathing, which significantly increases the dose of pollution reaching the lungs.
* Children are also particularly vulnerable to toxic substances because their bodies are immature and rapidly growing. Children do not have a fully developed immune system, liver, or kidneys to help protect them from the damaging effects of many chemicals. Immature lungs are unable to remove or neutralize contaminants adequately, and developing brains and neural pathways are particularly vulnerable to toxins. In addition, some chemicals affect the endocrine system, potentially disturbing neural, reproductive, and immune development.
* Airborne carcinogens and mutagens appear to have a greater effect on children, possibly because rapidly growing tissues are less differentiated and more "suggestible" than mature tissues.

2. Toxic Air Pollutants: BFI's NE Travis County landfill is a source of odors containing toxic air pollution impacting the NE neighborhoods, businesses and public access areas.

Landfill gases are, in fact, highly toxic according to scientific studies identifying numerous harmful chemicals released during breakdown of the wastes. Indeed landfills are scientifically known to release many dangerous substances into the air as a result of the biological decomposition of the waste materials like polyvinylchloride (PVC is about 50% chlorine), a relatively common material in municipal landfills. Bottom line is that none of the gases emitted from a landfill can be considered safe for people to breathe, but these gases are particularly harmful to children and other sensitive members of the community.

At least 15 chlorinated carbon compounds (***) have been identified among at least 33 known toxic landfill gases such as carbon tetrachloride and chloroform, which are both exceptionally toxic substances. In addition, it's highly probable that there are many more than 33 toxic landfill gases being released if additional air sampling and analysis were conducted. So this is not meant to be an exhaustive list of landfill gas emissions.

Many of the substances are known human carcinogens (at least seven of the compounds) like benzene and vinyl chloride, and others are suspected human cancer-causing agents. See the abbreviated toxicity classification next to some chemicals. "C" is for for Carcinogen. "BD" is for birth defects. "R" is for reproductive toxins. "N" is for neurotoxin. "CT" is for chronic toxin. "M" is for mutagen.

The 30 hydrocarbons (carbon-containing with hydrogen atoms) are compounds #1-3, 6-18, and 20-33. Only Carbon Dioxide (CO_2), Hydrogen Sulfide (H_2S) and Carbon Disulfide (CS_2) are not hydrocarbons by lacking either carbon or hydrogen atoms. There are 16 landfill gases known as Hazardous Air Pollutants (HAPs) under Title III of the 1990 Federal Clean Air Act amendments.

1. Acetone - CT

2. Benzene (HAP) - C, BD, R, CT
3. Bromodichloromethane ***
4. Carbon Dioxide
5. Carbon Disulfide (HAP) - BD, R, CT, N
6. Carbon Tetrachloride (HAP) *** - C, BD, CT
7. Chlorobenzene (HAP) *** - CT
8. Chloroform (HAP) *** - C, BD, R, AT
9. Cumene (HAP) - N, CT
10. 1,2-Dibromoethane - C, BD,M, R, AT
11. 1,4-Dichlorobenzene (HAP) ***
12. 1,1-Dichloroethane ***
13. 1,2-Dichloroethane *** - C, M
14. Dichlorodifluoromethane ***
15. Dichlorofluoromethane ***
16. Ethyl Benzene (HAP) - BD, R, CT
17. 3-Ethyl Toluene
18. Hydrocarbons (C5 - C10)
19. Hydrogen Sulfide - N
20. Methane
21. Mercaptans
22. Mesitylene
23. Meta-Xylene (HAP) + Para-Xylene (HAP) (benzene derivatives) - BD, R, CT
24. Methylene Chloride (aka Dichloromethane) (HAP) *** - C
25. Methyl Ethyl Ketone (HAP) - BD, R, CT, N
26. Ortho-Xylene (HAP) - BD, R, CT
27. Tetramethylbenzene Isomers
28. Tetrachloroethylene (HAP) ***
29. Toluene (HAP) - BD, R
30. 1,1,1-Trichlorethane *** - BD, R
31. Trichlorethylene (HAP) ***
32. Trichlorofluormethane ***
33. Vinyl Chloride (HAP) *** - C, BD, M, R, CT

*** means Chlorinated Compounds
AC = ACUTE TOXIN
BD = DEVELOPMENTAL TOXIN (CAUSING BIRTH DEFECTS)
C = CARCINOGEN
CT = CHRONIC TOXIN
M = HERITABLE MUTAGEN (CAUSE GENETIC CHANGES TO DNA OR GENES)
N = NEUROTOXIN
R = REPRODUCTIVE TOXIN
HAP = HAZARDOUS AIR POLLUTANT (list of 188 HAPs is from Title III of the 1990 Federal Clean Air Act Amendments signed into law November 15, 1990)

3 Cites (scientific references):
Landfill gas information cited from two papers #1 and #2; toxicity info from #3.

#1. Peer-Reviewed Science Article -- Mark Goldberg, N. Al-Homsi, and H. Riberdy, "Incidence of Cancer among Persons Living Near a Municipal Solid Waste Landfill Site in Montreal, Quebec," Archives of Environmental Health Journal Vol. 50, No. 6, November/December, 1995, 416-424. Phone for epidemiologist Mark Goldberg, Ph.D. (514) 858-7510 poste 236 at the Maisonneuve-Rosemont Hospital, Occupational & Environmental Health Section, Public Health Dept, Montreal, Quebec, Canada.

#2. Peer-Reviewed Science Article -- Mark Goldberg, L. Goulet, Y. Bonvalot, and H. Riberdy, "Low Birth Weight and Preterm Births among Infants Born to Women Living Near a Municipal Solid Waste Landfill Site in Montreal, Quebec," Journal of Environmental Research Vol. 69, 1995, 37-50.

#3. Toxicity information excerpted from report DANGER IN THE AIR: Toxic Air Pollution in the Houston-Galveston Corridor, December 1996, published by the Galveston-Houston Association for Smog Prevention. Report downloaded at: http://www.ghasp.org Article 6 is on Children and Air Toxics: Children's Health Threatened by Air Toxics, pp. 72-78, Neil J. Carman, Ph.D., and Winifred J. Hamilton, Ph.D.

#4. Conference on Landfill Gases (methane, CO2 and other gases discussed) - October 9, 1995 - Contact Lisa Pogoff, email: <lisa.pogoff@health.state.mn.us>, phone 612-215-0916, Minnesota Department of Health, Environmental Health Site Assessment & Consultation Unit, 121 East Seventh Place, PO Box 64975, St. Paul, MN 55164-0975.
****

3. Poor Compliance History at BFI NE Travis County Landfill

TCEQ knows that hazardous waste was illegally buried and remains in the NE landfills and needs to be removed.

The public health of the residents of NE Travis County is threatened by the lack of compliance with the provisions of the subject permit and the negligent failure of your agency to enforce such compliance. There have been repeated problems reported and over a long period of time. It should be noted that BFI has what I would describe as a terrible compliance record nationwide at many landfills and has been the subject of criminal investigations, which should be considered in the permit expansion request. A company like BFI with cirminal violations at other landfill sites in the nation should not be allowed to expand its NE Travis County landfill.

At the height BFI plans to expand, since it will be highest point in Travis County (above sea level) it will not only be impossible to screen this from our business but impossible to screen it from the entire Northeast quadrant in town. The NE Landfills, if allowed to continue expansion, will ultimately cover the entire 1000 acres bounded by Giles Road, Blue Goose Road, Springdale Road and US 290 The community in this area has been 'invaded' and targeted under the guise that garbage has to go somewhere and targeted because it is an area of ethnic minorities and poor people. The population density of present and planned neighborhoods and the fact that the Northeast area is now an important growth corridor for Austin, the "preferred-growth-corridor,"

has been ignored by the process. Continuing to expand this cluster of landfills beyond their permitted lives will ultimately cost the tax-base over 24 million dollars in annual revenues that would otherwise accrue from housing developments in surrounding areas. The City Council of Austin voted, unanimously, to oppose these expansions largely on "inappropriate land-use."

There is no crisis in landfill capacity for Travis County, requiring expansion approvals for the NE Cluster Landfills before critical health questions are answered. CAPCO even states in their report dated July 2002, "while there appears to be adequate landfill capacity in the CAPCO region for the current planning period [2002-2020], there is a disparity in accessibility to these centrally located facilities for many rural residents outside of the Austin area." These regional landfills, not only serve the 10 county CAPCO region but also accept waste from 20 additional counties. Travis county essentially accepts all the CAPCO region since 6 other counties have no landfills and Williamson County can not import more than they export. Other metropolitan Counties have addressed the problem of balance between rural and more developed central counties. Houston transfers most of its waste out to sparsely developed areas, 25 miles from the CBD, and uses transfer stations closer in.

In conclusion, I urge that BFI's request for permit 1447A be denied, that no further expansions of the NE Landfills be approved, and that a full, comprehensive health investigation be done in the area.

Sincerely,

Neil J Carman, Ph.D.
Clean air program director
Lone Star Chapter Sierra Club
1202 San Antonio street
Austin, Tx 78701
512-472-1767 Tel

Doka Cullender
6309 Boyce Ln
Manor, TX 78653
512-278-9226

N-3W
51757

OPA
JUN 13 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 13 AM 9:40
CHIEF CLERKS OFFICE

June 8, 2007

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

Dear Ms. Castañuela:

Re: Sunset Farms Landfill, Permit No. 1447 and Proposed 1447-A
BFI Waste Systems of North America, Inc. & Giles Holdings, L.P.

As a resident of neighboring Harris Branch, I am opposed to the expansion of the BFI/Sunset Farms Landfill. I ask that the Executive Director deny the above referenced permit in order to protect the health and quality of life of area residents and to promote recovery of the local environment.

Allowing the expansion is contrary to the existing and planned land uses for the area and negatively impacts property values and the county's tax base. There is sufficient capacity under the current permit to allow the landfills to operate. Granting them additional space only dissuades them from pursuing alternative locations.

Despite hundreds of complaints, the landfills continue to emit gases that cause noxious odors and affect the public's health. The landfills have proven that they cannot contain runoff after heavy rains. The landfills continue to be cited for violations and areas of concern and continue to generate citizen complaints. Expansion of the landfill will only expand these problems. Please protect us from bad landfill practices and deny expansion of the NE Travis County landfills so that Travis County will not continue to be the dumping ground for the region.

Thank you for the opportunity to comment.

Sincerely,

Doka Cullender

Doka Cullender

MW

Doka Cullender
6309 Boyce Ln
Manor, TX 78653

MSW
51757

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 APR 24 AM 10: 19
CHIEF CLERKS OFFICE

April 21, 2007

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

Re: BFI Waste Systems of N. America, Inc., Permit number 1447A

Gentlemen:

I am writing to request a public meeting to allow neighboring residents to voice our concerns over the expansion of the subject facility. I do not believe TCEQ should grant BFI Waste Systems of N. America, Inc.'s final permit for expansion and feel that the Agency should hear from those whose lives are directly impacted by the proposed expansion of this facility before making their decision.

Please add me to the mailing list of this application.

OPA PM
APR 24 2007
BY

Sincerely,

Doka Cullender

Doka Cullender

Doka Cullender
6309 Boyce Ln
Manor, TX 78653
512-278-9226

MW

Gave formal oral comment (20)

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Chuck Dabbs

Address: 11410 Birnhover Ln

City/State: Austin, Tx **Zip:** 78754

Phone: (512) 272-4438

2007 MAY 25 AM 11:35
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

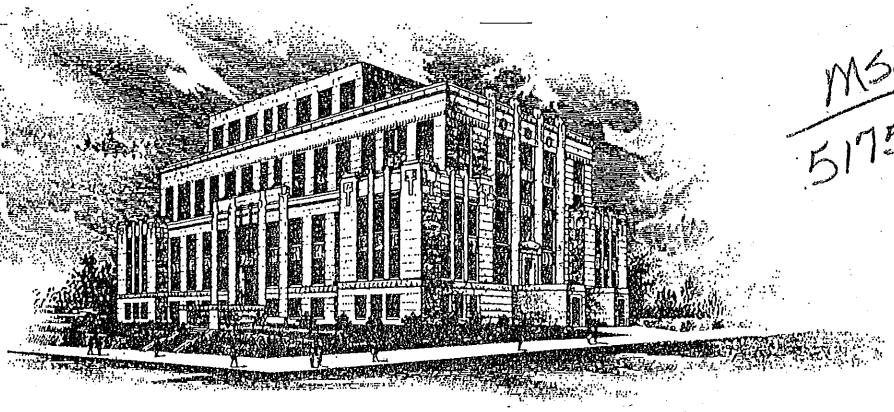
☑ **I wish to provide formal written comments at tonight's public meeting.**

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

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

Ma

County of Travis
STATE OF TEXAS



MSW
51757

RON DAVIS
COMMISSIONER, PRECINCT 1

314 W. 11TH ST., ROOM 510
AUSTIN, TEXAS 78767
P.O. BOX 1748
854-9111 FAX 854-4897

October 25, 2007

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

OPA
OCT 26 2007
BY ll

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 AM 8:45
CHIEF CLERKS OFFICE

Mr. Glen Shankle
Executive Director - TCEQ
MC 109
P.O. Box 13087
Austin, TX 78711-3087

RE: Permit No. 1447A BFI Waste Systems of North America, Inc. Application

As the Travis County Commissioner for Precinct 1, I strongly oppose any landfill proposals in the precinct one area. I strongly oppose any expansion to the current Permit No. 1447A BFI Waste Systems of North America, Inc. Landfill and any relocation within the boundaries of Travis County.

On Tuesday, October 23, 2007, during the Travis County Commissioners Court Public Hearing Item #3, my constituents along with Texas Campaign for the Environment and PODER spoke in opposition to the Permit No. 1447A BFI Waste Systems of North America, Inc. application. Please accept these comments and the attached packet as a matter of record for the Permit No. 1447A BFI Waste Systems of North America, Inc. application. Your consideration is greatly appreciated.

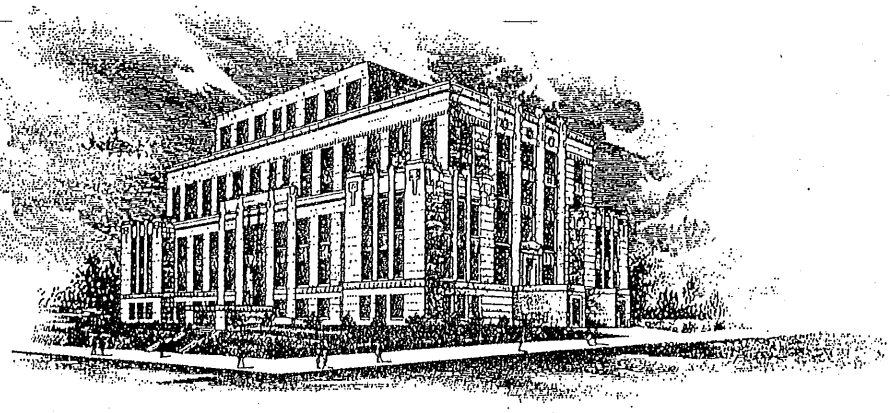
Sincerely,

Ron Davis
Travis County Commissioner Precinct 1

Attachment

MW

County of Travis
STATE OF TEXAS



RON DAVIS
COMMISSIONER, PRECINCT 1

314 W. 11TH ST., ROOM 510
AUSTIN, TEXAS 78767
P.O. BOX 1748
854-9111 FAX 854-4897

May 23, 2007

Attached in this packet are several attachments: Option B – Draft copy letter to TCEQ– Comr. Ron Davis version, CAPCOG letters (see 8/23/06 letter w/arrow), and last please see the City of Austin Desired Development Zone (COA – DDZ) maps. The COA – DDZ maps include the 2,853 – Acre Austin Energy Tract off of Burleson Manor Road near Webberville, TX within the City of Austin's Desired Development Zone.

Sincerely,

Ron Davis
Commissioner, Pct. 1

Attachments

Option B: Oppose

DRAFT – Comr. Davis Version

May ___, 2007

OPA
OCT 26 2007
BY

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT 26 AM 8:45
CHIEF CLERKS OFFICE

RE: BFI Sunset Farms Proposed Municipal Solid Waste permit No. 1447a

Dear Ms. Castañuela:

Travis County Commissioners' Court provides the following comments regarding the above-referenced proposed permit amendment. This application is submitted by co-permit holders, BFI Waste Systems of North America, Inc., 4542 SE Loop 410, San Antonio, Texas 78222-3925, and Giles Holdings, L.P., 1223 Judson Road, Longview, Texas 75601-3922, to expand the existing landfill in Austin, Texas, located on Giles Road near its intersection with Blue Goose Road.

For the past several years, the Travis County Commissioners Court has consistently urged relocation of the 290 East Landfills; including the BFI site referenced above. Further, we have opposed the expansion efforts of the two operating landfills because they are incompatible with urban growth trends in the area and have become a public health issue for the residents of Travis County.

This Commissioners Court has even gone to the trouble of setting aside money to help these facilities find new locations. In the FY04 budget, $100,000 was set aside and carried over as a $98,000 line item in FY05 to help BFI Waste Systems of North America, Inc. and Giles Holdings, L.P. find a greenfield site for their operations. Evidence of these offerings of financial assistance is provided in attachments from recapitulations of Travis County's FY04 and FY05 adopted budgets.

Deleted:

According to most sources, it takes a minimum of 3-5 years to obtain a permit to operate a new landfill site. Since both operators have neglected to accept our assistance and/or seek their own avenues of relocation, we request that the Texas Commission on Environmental Quality deny their application for expansion at their existing site.

The Travis County Commissioners Court provides the following comments and recommendations:

Option B: Oppose

- Travis County should not continue to be the solid waste hub for this region;
- Both landfills operating in the 290 East and Giles Road vicinity should proceed immediately to shut down their current landfill operations;
- **IF AND WHEN BFI AND WASTE MANAGEMENT OF TEXAS RELOCATE, NEITHER SITE SHOULD NOT BE WITHIN THE BOUNDARIES OF TRAVIS COUNTY; NOR SHOULD IT BE ON THE 2,853-ACRE AUSTIN ENERGY TRACT NEAR WEBBERVILLE, TEXAS WITHIN THE CITY OF AUSTIN'S DESIRED DEVELOPMENT ZONE (MAP ATTACHED).**

If this application moves forward despite our request to deny, we request that it go to contested case hearing before the State Office of Administrative Hearings and we request interested party status. Thank you for your consideration in these matters.

Sincerely,

Samuel T. Biscoe
Travis County Judge

Ron Davis
Commissioner, Precinct One

Sarah Eckhardt
Commissioner, Precinct Two

Gerald Daugherty
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four

Attachments:

1. Planning and Budget's Recapitulation of Fiscal Year 2004 p. 34 and Fiscal Year 2005 p. 30;
2. City of Austin Desired Development Zone Map

CAPCOG

Executive Committee

Bastrop County
Judge Ronnie McDonald
Mayor Gladys Markert - City of Elgin

Blanco County
Judge Bill Guthrie

Burnet County
Judge Donna Klaeger

Hays County
Commissioner Will Conley
Mayor Susan Narvaiz - City of San Marcos
Judge Elizabeth Sumter

Lee County
Commissioner Maurice Pitts
Mayor James Arndt - City of Giddings

Llano County
Judge Wayne Brascom

Travis County
Judge Sam Biscoe
Commissioner Gerald Daugherty
Mayor Caroline Murphy - Village of Bee Cave
Councilmember Jennifer Kim - City of Austin

Williamson County
Judge Dan Gattis, Sr.
Councilmember Pat Berrymen - City of Georgetown

Commissioner Cynthia Long

Capital Area Council of Governments
2512 IH 35 South, Suite 200
Austin, Texas 78704
512.916.6000 • Fax 512.916.6001
www.capcog.org

Chairman
Judge Ronnie McDonald
Bastrop County

1st Vice-Chairman
Commissioner Maurice Pitts
Lee County

2nd Vice-Chairman
Mr. Bill Hamilton
City of Rollingwood

Secretary
Mayor Susan Narvaez
City of San Marcos

Mayor James Arndt
City of Giddings

Mayor James Bertram
City of Lockhart

Judge Samuel T. Biscoe
Travis County

Mr. Eric Carlson
City of Elgin

Ms. Tina Cotter
City of Cedar Park

Commissioner
Will Conley
Hays County

Commissioner
Gerald Daugherty
Travis County

Judge John C. Doerfler
Williamson County

Judge R. G. Floyd
Llano County

Judge Bill Guthrie
Blanco County

Judge Ed Janecka
Fayette County

Council Member Jennifer Kim
City of Austin

Judge David L. Kithil
Burnet County

Mayor Pro Tem
Alan McGraw
City of Round Rock

Mayor Caroline Murphy
Village of Bee Cave

Judge Jim Powers
Hays County

Judge H. T. Wright
Caldwell County

August 23, 2006

Richard C. Carmichael, Ph.D., P.E.
Manager, Municipal Solid Waste Permits Section
Waste Permits Division (MC 124)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RE: BFI Waste Services of North America, Inc. Application for Permit Amendment

Dear Dr. Carmichael:

The Solid Waste Advisory Committee (SWAC) of the Capital Area Council of Governments (CAPCOG) has reviewed the application for a Permit Amendment by BFI Waste Services of North America, Inc. to expand their facility at 9912 Giles Road based on the following factors:

- Land Use Compatibility
- Conformance with the RSWMP
- Local Facility Siting Concerns

The SWAC endorsed comments made by Travis County, the host local government of this project. The attached Travis County comments pointed out that the proposed expansion of this facility will not conform with current and future land use in that area and furthermore, there are significant local concerns about the site. The Travis County comments also outlined the steps necessary to address their concerns.

The CAPCOG Executive Committee has made the determination that the proposed expansion of the facility will conditionally conform if BFI Waste Services of North America, Inc. agrees to the following six conditions set forth in the attached comments by Travis County:

- All waste handling, including both disposal and operation of a transfer station, ends at BFI's Sunset Farms Landfill by November 1, 2015.
- New landfills may be located in the Desired Development Zone if they include adequate buffer zones and other safeguards to avoid incompatible land use.

- CAPCOG opposes any landfill application by BFI Sunset Farms for a permit to operate as a waste disposal site and/or transfer station after November 1, 2015.

- CAPCOG continues to strongly encourage BFI Waste Services of North America, Inc. to locate and permit a Greenfield site in another location and relocate from its current site in northeast Travis County as soon as possible thereafter.

- CAPCOG strongly encourages BFI Sunset Farms to commit to take the same quantity of waste that it has taken during recent years, including factoring in annual increases.

- CAPCOG strongly encourages BFI Sunset Farms to commit to bring no waste into Travis County from out of Texas.

Therefore, the CAPCOG Executive Committee voted on August 9, 2006 to notify TCEQ that the BFI Waste Services of North America, Inc. permit amendment application conditionally conforms with the Regional Solid Waste Management Plan (RSWMP) if BFI Waste Services of North America, Inc. agrees to the above mentioned six conditions.

Sincerely,

Betty Voights
Executive Director

Enclosure

Sean/Chris

RECEIVED
FEB 20 2007
CAPCOG

ALLIED WASTE SERVICES

January 18. 2007

Ms. Betty Voights. Executive Director
Capital Area Council of Governments
2512 IH 35 South. Suite 200
Austin. TX 78704

Re: BFI Waste Systems of North America. Inc.
Sunset Farms Landfill Application for Vertical Expansion Permit Amendment
Permit No. MSW 1447A

Dear Ms. Voights:

BFI Waste Systems of North America. Inc./Allied Waste Services (BFI) has evaluated your letter dated August 23. 2006 to the Texas Commission on Environmental Quality (TCEQ) concerning your review of our application for the proposed permit amendment. Your letter stated the following:

"The CAPCOG Executive Committee has made the determination that the proposed expansion of the facility will conditionally conform if BFI Waste Systems of North America. Inc. agrees to the following six conditions set forth in the attached comments by Travis County:

- All waste handling. including both disposal and operation of a transfer station. ends at BFI's Sunset Farms Landfill by November 1. 2015.
- New landfills may be located in the Desired Development Zone if they include adequate buffer zones and other safeguards to avoid incompatible land use.
- CAPCOG opposes any landfill application by BFI Sunset Farms for a permit to operate as a waste disposal site and/or transfer station after November 1. 2015.
- CAPCOG continues to strongly encourage BFI Waste Systems of North America. Inc. to locate and permit a Greenfield site in another location and relocate from its current site in northeast Travis County as soon as possible thereafter.
- CAPCOG strongly encourages BFI Sunset Farms to commit to take the same quantity of waste that it has taken during recent years. including factoring in annual increase.

251 N FM 1626, Bldg 1 Ste A
Buda, TX 78610
512.295.5030 / FAX 512-295-8794
www.disposal.com

- CAPCOG strongly encourages BFI Sunset Farms to commit to bring no waste into Travis County from out of Texas."

BFI hereby agrees that it will comply with all of the above stated six conditions subject to it's understanding that. based upon this agreement. CAPCOG will maintain its determination that the proposed expansion of the Sunset Farms Landfill is in conformance with the CAPCOG Regional Solid Waste Management Plan. BFI's agreement is also subject to the final issuance of the proposed permit expansion amendment by the TCEQ.

Sincerely.

BFI Waste Systems of North America. Inc./Allied Waste Services

Brad Dugas

Brad Dugas
South Central Texas District Manager

cc: Mr. Richard Carmichael. TCEQ
Mr. Paul Gosselink. Atty.. Lloyd Gosselink
Mr. Ray Shull. P.E.. Associated Consulting Engineers

COA - DDZ - Maps

Disclaimer: Map for general reference only. Data provided "as is" with no warranties of any kind. Contact the Travis County GIS Coordinator at (512) 854-7641 for questions.

Source(s): Property Lines - TCAD 2006, Roads - Travis County May 2006, Cities - March 2006, Subdivisions - July 2006, Contours - CAPCO 1997, Creeks - NHD 2005, Flood plain - FEMA Q3 1997.

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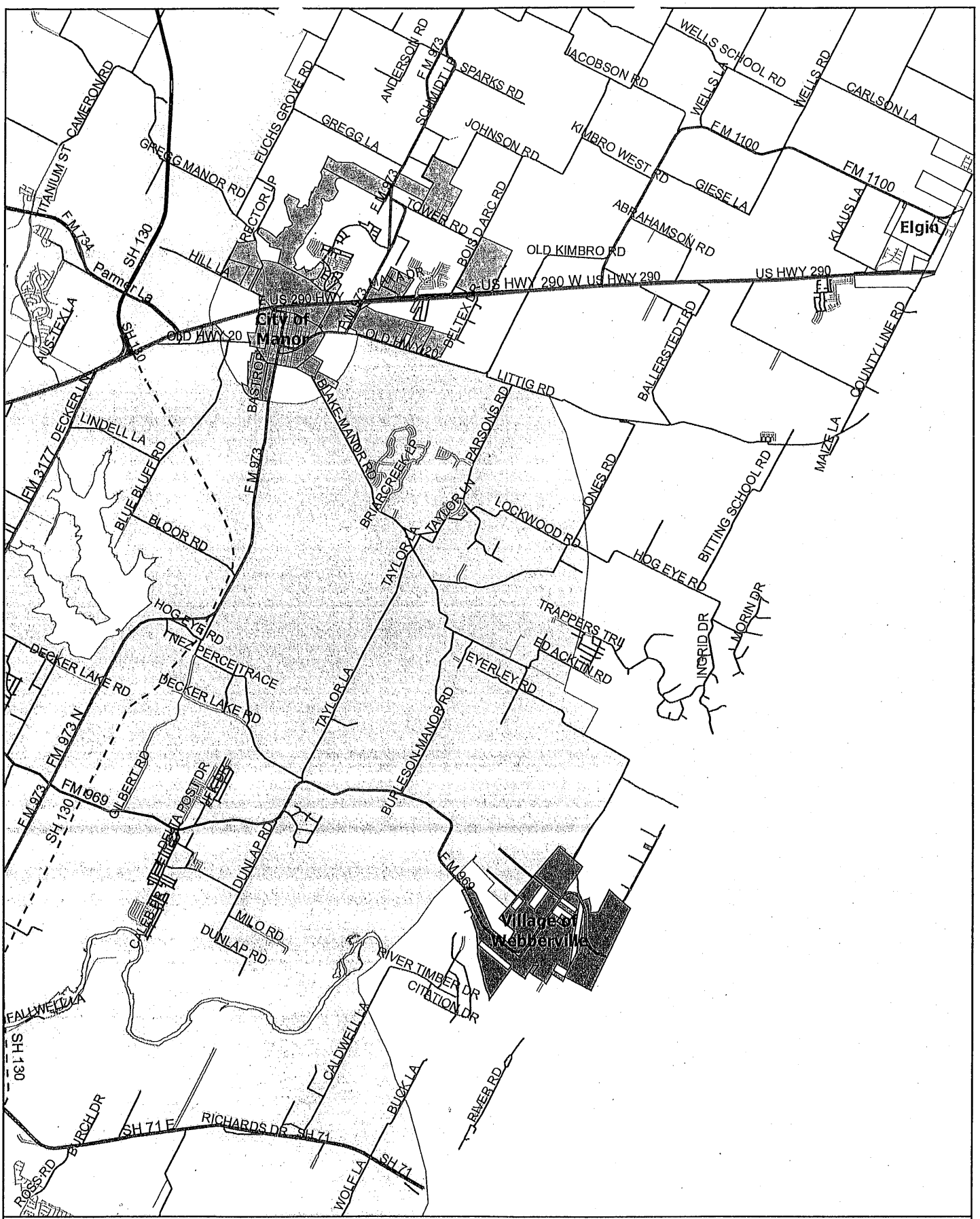
Map Prepared by: Travis County, Department of Transportation & Natural Resources
http://www.co.travis.tx.us/maps



Disclaimer: Map for general reference only. Data provided "as is" with no warranties of any kind. Contact the Travis County GIS Coordinator at (512) 854-7641 for questions.

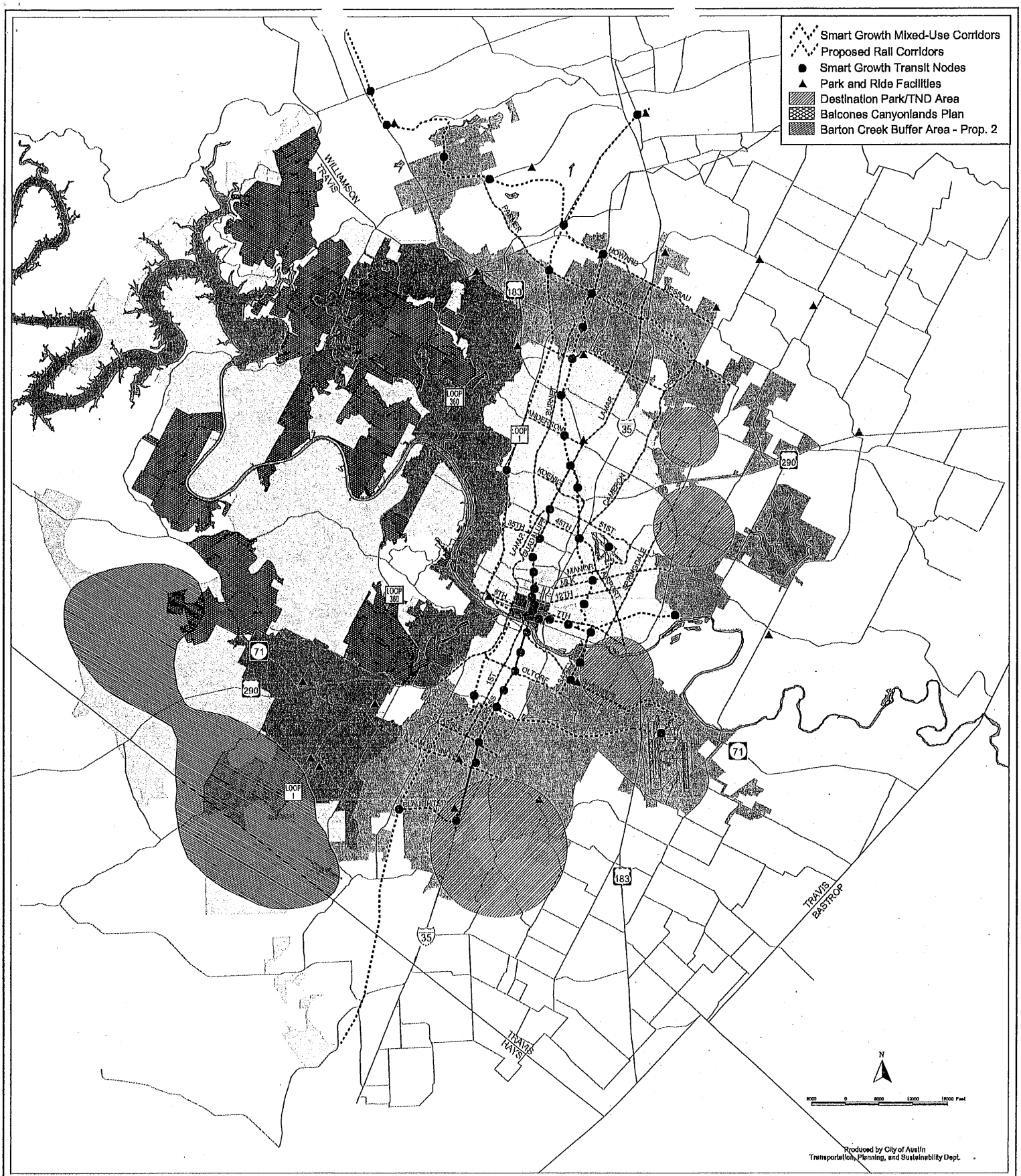
Source(s): Property Lines - TCAD 2006, Roads - Travis County May 2006, Cities- March 2006, Subdivisions - July 2006, Contours - CAPCO 1997, Creeks - NHD 2005, Flood plain - FEMA Q3 1997.

N

0 11,000
Feet

Map Prepared by: Travis County, Department of Transportation & Natural Resources
http://www.co.travis.tx.us/maps

ftp://issweb.ci.austin.tx.us/pub/GIS-Data/planning/maps/smartgrowth.pdf



Austin
Smart Growth Zones

Desired Development Zone

- Central Business District
- University of Texas, CURE
- Inside Urban Watersheds
- Inside Full Purpose Jurisdiction
- Outside Full Purpose Jurisdiction

Drinking Water Protection Zone

- Inside Full Purpose Jurisdiction
- Outside Full Purpose Jurisdiction

SMART GROWTH INITIATIVE

http://www.ci.austin.tx.us/smartgrowth

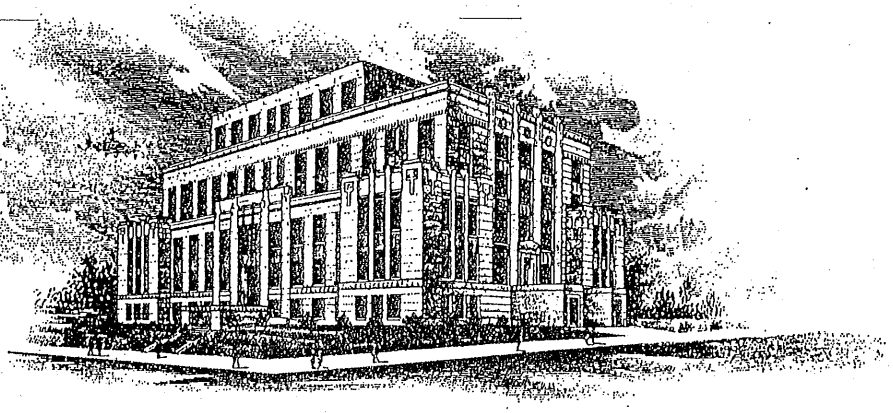
DRAFT - August 2004

This map has been produced by the City of Austin for the sole purpose of aiding regional planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission.

RON DAVIS
TRAVIS COUNTY COMMISSIONER
PRECINCT 1
P.O. BOX 1748 • ROOM 510 • GRANGER BUILDING
AUSTIN, TEXAS 78767

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

County of TRAVIS
STATE OF TEXAS



RON DAVIS
COMMISSIONER, PRECINCT 1

314 W. 11TH ST., ROOM 510
AUSTIN, TEXAS 78767
P.O. BOX 1748
854-9111 FAX 854-4897

2007 MAY 25 AM 11:30
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

May 23, 2007

Attached in this packet are several attachments: Option B – Draft copy letter to TCEQ– Comr. Ron Davis version, CAPCOG letters (see 8/23/06 letter w/arrow), and last please see the City of Austin Desired Development Zone (COA – DDZ) maps. The COA – DDZ maps include the 2,853 – Acre Austin Energy Tract off of Burleson Manor Road near Webberville, TX within the City of Austin's Desired Development Zone.

Sincerely,

Ron Davis
Commissioner, Pct. 1

OPA RECEIVED

MAY 24 2007

AT PUBLIC MEETING

Attachments

mw

Option B: Oppose

DRAFT – Comr. Davis Version

May ___, 2007

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

RE: BFI Sunset Farms Proposed Municipal Solid Waste permit No. 1447a

Dear Ms. Castañuela:

Travis County Commissioners' Court provides the following comments regarding the above-referenced proposed permit amendment. This application is submitted by co-permit holders, BFI Waste Systems of North America, Inc., 4542 SE Loop 410, San Antonio, Texas 78222-3925, and Giles Holdings, L.P., 1223 Judson Road, Longview, Texas 75601-3922, to expand the existing landfill in Austin, Texas, located on Giles Road near its intersection with Blue Goose Road.

For the past several years, the Travis County Commissioners Court has consistently urged relocation of the 290 East Landfills; including the BFI site referenced above. Further, we have opposed the expansion efforts of the two operating landfills because they are incompatible with urban growth trends in the area and have become a public health issue for the residents of Travis County.

This Commissioners Court has even gone to the trouble of setting aside money to help these facilities find new locations. In the FY04 budget, $100,000 was set aside and carried over as a $98,000 line item in FY05 to help BFI Waste Systems of North America, Inc. and Giles Holdings, L.P. find a greenfield site for their operations. Evidence of these offerings of financial assistance is provided in attachments from recapitulations of Travis County's FY04 and FY05 adopted budgets.

Deleted:

According to most sources, it takes a minimum of 3-5 years to obtain a permit to operate a new landfill site. Since both operators have neglected to accept our assistance and/or seek their own avenues of relocation, we request that the Texas Commission on Environmental Quality deny their application for expansion at their existing site.

The Travis County Commissioners Court provides the following comments and recommendations:

Option B: Oppose ____ ____

- Travis County should not continue to be the solid waste hub for this region;
- Both landfills operating in the 290 East and Giles Road vicinity should proceed immediately to shut down their current landfill operations;
- **IF AND WHEN BFI AND WASTE MANAGEMENT OF TEXAS RELOCATE, NEITHER SITE SHOULD NOT BE WITHIN THE BOUNDARIES OF TRAVIS COUNTY; NOR SHOULD IT BE ON THE 2,853-ACRE AUSTIN ENERGY TRACT NEAR WEBBERVILLE, TEXAS WITHIN THE CITY OF AUSTIN'S DESIRED DEVELOPMENT ZONE (MAP ATTACHED).**

If this application moves forward despite our request to deny, we request that it go to contested case hearing before the State Office of Administrative Hearings and we request interested party status. Thank you for your consideration in these matters.

Sincerely,

Samuel T. Biscoe
Travis County Judge

Ron Davis
Commissioner, Precinct One

Sarah Eckhardt
Commissioner, Precinct Two

Gerald Daugherty
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four

Attachments:

1. Planning and Budget's Recapitulation of Fiscal Year 2004 p. 34 and Fiscal Year 2005 p. 30;
2. City of Austin Desired Development Zone Map

CAPCOG

Executive Committee

Bastrop County
Judge Ronnie McDonald
Mayor Gladys Markert - City of Elgin

Blanco County
Judge Bill Guthrie

Burnet County
Judge Donna Klaeger

Hays County
Commissioner Will Conley
Mayor Susan Narvaiz - City of San Marcos
Judge Elizabeth Sumter

Lee County
Commissioner Maurice Pitts
Mayor James Arndt - City of Giddings

Llano County
Judge Wayne Brascom

Travis County
Judge Sam Biscoe
Commissioner Gerald Daugherty
Mayor Caroline Murphy - Village of Bee Cave
Councilmember Jennifer Kim - City of Austin

Williamson County
Judge Dan Gattis, Sr.
Councilmember Pat Berrymen - City of Georgetown

Commissioner Cynthia Long

Capital Area Council of Governments
2512 IH 35 South, Suite 200
Austin, Texas 78704
512.916.6000 • Fax 512.916.6001
www.capcog.org

Chairman
Judge Ronnie McDonald
Bastrop County

1st Vice Chairman
Commissioner Maurice Pitts
Lee County

2nd Vice Chairman
Mr. Bill Hamilton
City of Rollingwood

Secretary
Mayor Susan Narvaiz
City of San Marcos

Mayor James Arndt
City of Giddings

Mayor James Bertram
City of Lockhart

Judge Samuel T. Biscoe
Travis County

Mr. Eric Carlson
City of Elgin

Ms. Tara Collier
City of Cedar Park

Commissioner
Will Conley
Hays County

Commissioner
Gerald Daugherty
Travis County

Judge John C. Doerfler
Williamson County

Judge R. G. Floyd
Llano County

Judge Bill Gulnes
Blanco County

Judge Ed Janecka
Fayette County

Council Member Jennifer Kim
City of Austin

Judge David L. Klaus
Burnet County

Mayor Pro Tem
Alan McGraw
City of Round Rock

Mayor Caroline Murphy
Village of Bee Cave

Judge Jim Powers
Hays County

Judge H. T. Wright
Caldwell County

August 23, 2006

Richard C. Carmichael, Ph.D., P.E.
Manager, Municipal Solid Waste Permits Section
Waste Permits Division (MC 124)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RE: BFI Waste Services of North America, Inc. Application for Permit Amendment

Dear Dr. Carmichael:

The Solid Waste Advisory Committee (SWAC) of the Capital Area Council of Governments (CAPCOG) has reviewed the application for a Permit Amendment by BFI Waste Services of North America, Inc. to expand their facility at 9912 Giles Road based on the following factors:

- Land Use Compatibility
- Conformance with the RSWMP
- Local Facility Siting Concerns

The SWAC endorsed comments made by Travis County, the host local government of this project. The attached Travis County comments pointed out that the proposed expansion of this facility will not conform with current and future land use in that area and furthermore, there are significant local concerns about the site. The Travis County comments also outlined the steps necessary to address their concerns.

The CAPCOG Executive Committee has made the determination that the proposed expansion of the facility will conditionally conform if BFI Waste Services of North America, Inc. agrees to the following six conditions set forth in the attached comments by Travis County:

- All waste handling, including both disposal and operation of a transfer station, ends at BFI's Sunset Farms Landfill by November 1, 2015.
- New landfills may be located in the Desired Development Zone if they include adequate buffer zones and other safeguards to avoid incompatible land use.

- CAPCOG opposes any landfill application by BFI Sunset Farms for a permit to operate as a waste disposal site and/or transfer station after November 1, 2015.

- CAPCOG continues to strongly encourage BFI Waste Services of North America, Inc. to locate and permit a Greenfield site in another location and relocate from its current site in northeast Travis County as soon as possible thereafter.

- CAPCOG strongly encourages BFI Sunset Farms to commit to take the same quantity of waste that it has taken during recent years, including factoring in annual increases.

- CAPCOG strongly encourages BFI Sunset Farms to commit to bring no waste into Travis County from out of Texas.

Therefore, the CAPCOG Executive Committee voted on August 9, 2006 to notify TCEQ that the BFI Waste Services of North America, Inc. permit amendment application conditionally conforms with the Regional Solid Waste Management Plan (RSWMP) if BFI Waste Services of North America, Inc. agrees to the above mentioned six conditions.

Sincerely,

Betty Voights
Executive Director

Enclosure

Dear Chris

RECEIVED
FEB 20 2007
CAPCOG

ALLIED WASTE SERVICES

January 18. 2007

Ms. Betty Voights. Executive Director
Capital Area Council of Governments
2512 IH 35 South. Suite 200
Austin. TX 78704

Re: BFI Waste Systems of North America. Inc.
Sunset Farms Landfill Application for Vertical Expansion Permit Amendment
Permit No. MSW 1447A

Dear Ms. Voights:

BFI Waste Systems of North America. Inc./Allied Waste Services (BFI) has evaluated your letter dated August 23. 2006 to the Texas Commission on Environmental Quality (TCEQ) concerning your review of our application for the proposed permit amendment. Your letter stated the following:

"The CAPCOG Executive Committee has made the determination that the proposed expansion of the facility will conditionally conform if BFI Waste Systems of North America. Inc. agrees to the following six conditions set forth in the attached comments by Travis County:

- All waste handling. including both disposal and operation of a transfer station. ends at BFI's Sunset Farms Landfill by November 1. 2015.
- New landfills may be located in the Desired Development Zone if they include adequate buffer zones and other safeguards to avoid incompatible land use.
- CAPCOG opposes any landfill application by BFI Sunset Farms for a permit to operate as a waste disposal site and/or transfer station after November 1. 2015.
- CAPCOG continues to strongly encourage BFI Waste Systems of North America. Inc. to locate and permit a Greenfield site in another location and relocate from its current site in northeast Travis County as soon as possible thereafter.
- CAPCOG strongly encourages BFI Sunset Farms to commit to take the same quantity of waste that it has taken during recent years. including factoring in annual increase.

251 N FM 1626, Bldg 1 Ste A
Buda, TX 78610
512.295.5030 / FAX 512-295-8794
www.disposal.com

- CAPCOG strongly encourages BFI Sunset Farms to commit to bring no waste into Travis County from out of Texas."

BFI hereby agrees that it will comply with all of the above stated six conditions subject to it's understanding that. based upon this agreement. CAPCOG will maintain its determination that the proposed expansion of the Sunset Farms Landfill is in conformance with the CAPCOG Regional Solid Waste Management Plan. BFI's agreement is also subject to the final issuance of the proposed permit expansion amendment by the TCEQ.

Sincerely.

BFI Waste Systems of North America. Inc./Allied Waste Services

Brad Dugas

Brad Dugas
South Central Texas District Manager

cc: Mr. Richard Carmichael. TCEQ
Mr. Paul Gosselink. Atty.. Lloyd Gosselink
Mr. Ray Shull. P.E.. Associated Consulting Engineers

COF,

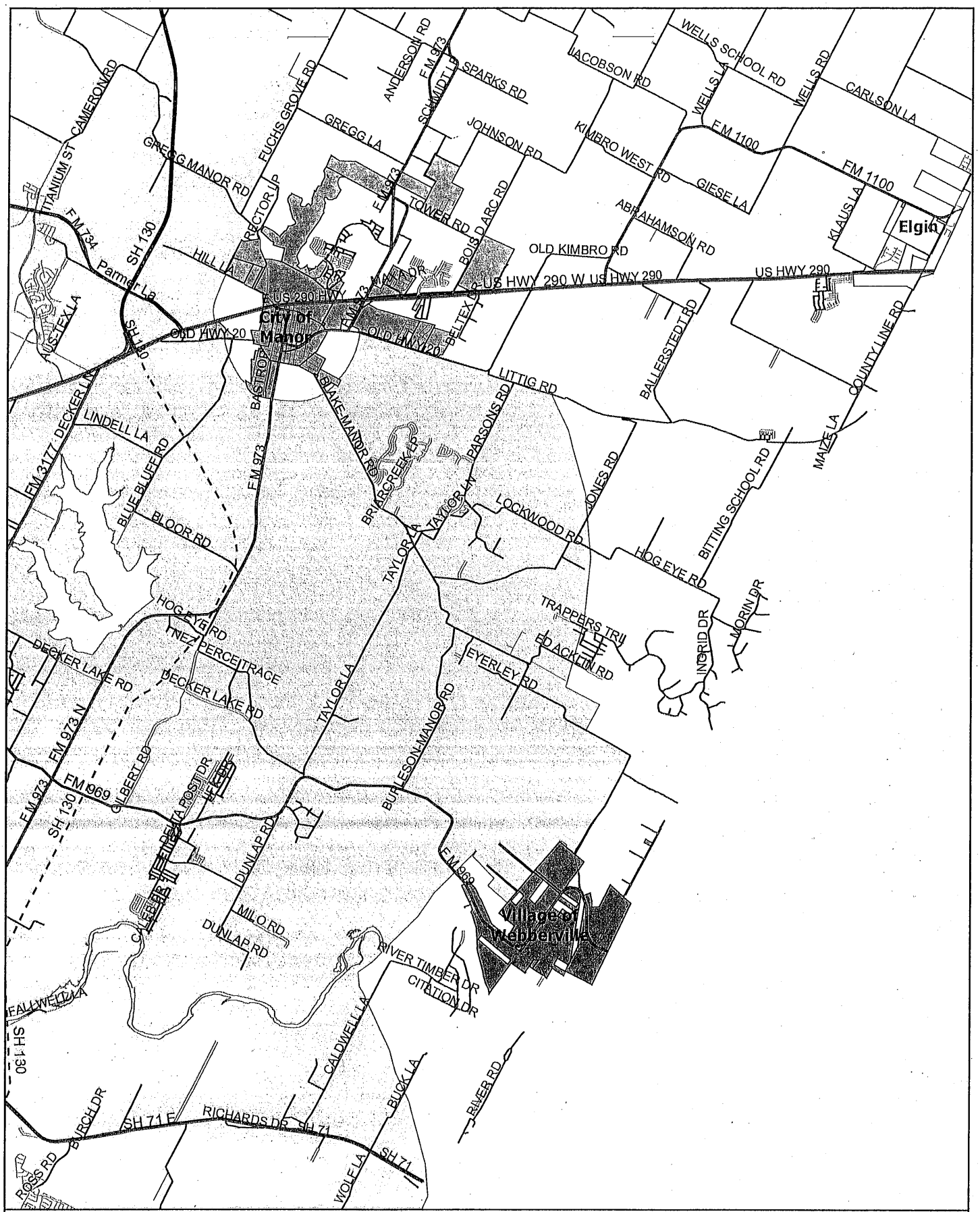
Disclaimer: Map for general reference only. Data provided "as is" with no warranties of any kind. Contact the Travis County GIS Coordinator at (512) 854-7641 for questions.

Source(s): Property Lines - TCAD 2006, Roads - Travis County May 2006, Cities- March 2006, Subdivisions - July 2006, Contours - CAPCO 1997, Creeks - NHD 2005, Flood plain - FEMA Q3 1997.

N

0 32,000
Feet

Map Prepared by: Travis County, Department. of Transportation & Natural Resources
http://www.co.travis.tx.us/maps



Disclaimer: Map for general reference only. Data provided "as is" with no warranties of any kind. Contact the Travis County GIS Coordinator at (512) 854-7641 for questions.

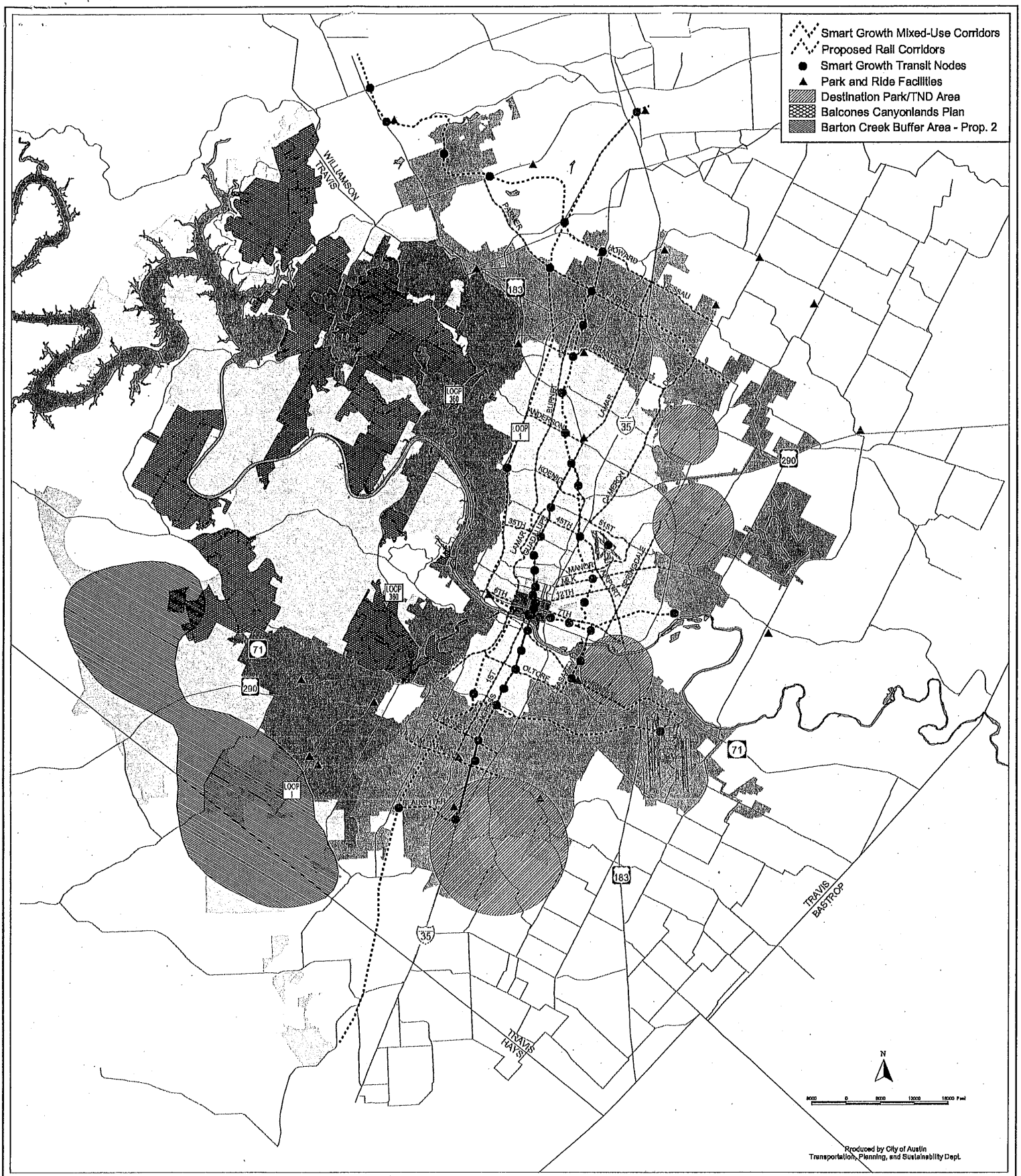
Source(s): Property Lines - TCAD 2006, Roads - Travis County May 2006, Cities- March 2006, Subdivisions - July 2006, Contours - CAPCO 1997, Creeks - NHD 2005, Flood plain - FEMA Q3 1997.

N

0 11,000
Feet

Map Prepared by: Travis County, Department. of Transportation & Natural Resources
http://www.co.travis.tx.us/maps

ftp://issweb.ci.austin.tx.us/pub/GIS-Data/planning/maps/smartgrowth.pdf



Austin
Smart Growth Zones

Desired Development Zone

- Central Business District
- University of Texas, CURE
- Inside Urban Watersheds
- Inside Full Purpose Jurisdiction
- Outside Full Purpose Jurisdiction

Drinking Water Protection Zone

- Inside Full Purpose Jurisdiction
- Outside Full Purpose Jurisdiction

SMART GROWTH INITIATIVE

http://www.ci.austin.tx.us/smartgrowth

DRAFT - August 2004

This map has been produced by the City of Austin for the sole purpose of aiding regional planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission.

Have formal oral comment (1)
Submitted written comment

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Commissioner Ron Davis

Address: ~~St~~ 314 W. 11th St. Ste. 510

City/State: Austin, TX Zip: 78701

Phone: (512) 854-9111

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:
CHIEF CLERKS 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? Travis County residents

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☑ I wish to provide formal oral comments.

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

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

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

MW

OPA

JUN 26 2007

BY

MSW 51757

DATE: June 16, 2007

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

FROM: Juan DeAnda
6916 Thistle Hill Way, Austin, TX 78754
(512)740-9349

RE: Sunset Farms Landfill, Permit No. 1447 and Proposed 1447-A
BFI Waste Systems of North America, Inc. & Giles Holdings, L.P.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 19 AM 10: 29
CHIEF CLERKS OFFICE

I am opposed to the expansion of the BFI/Sunset Farms Landfill, and request that the Executive Director deny the above referenced permit.

I am a resident of Harris Branch in North East Austin, extremely near Sunset Farms Landfill. I am very concerned about TCEQ granting BFI/Sunset Farms Landfill a permit to expand 75 feet. The expansion would severely impact the quality of the surrounding area and the quality of life of the residents. BFI/Sunset Farms has been a problem landfill with numerous violations in the past without the 75 foot expansion. With the expansion, it would be much worse. This is TCEQ's chance to do the right thing by not granting an expansion permit to BFI/Sunset Farms and putting an end to BFI's problems and environmental violations.

BFI/Sunset Farm's noxious odors significantly contribute to poor air quality and directly impact the health of the residents. I myself suffer from bad allergies, and at times, due to the noxious odors and resulting poor air quality, cannot go outside to my own backyard without my health being impacted. If I myself, as an adult, am suffering and have my health threatened, I can only imagine the poor students of the much closer neighboring Blue Bonnet Elementary School and the very young children of the Children's Courtyard Daycare.

The expansion of BFI/Sunset Farms Landfill will further add to the traffic of Harris Branch and Giles Rd. along with more pollution. At times, you can drive Through Harris Branch or Giles Rd. and see trash on the road that has obviously fallen from BFI's trash trucks. I've seen buzzards and animals rummaging and eating some of the contents. This is obviously not healthy for the environment, animals nor people. The increase in traffic from noisy trucks will also result in an increase of noise pollution. My house backs right to Harris Branch and I constantly hear the noisy trucks passing by day and night. I'm certain my neighbors all suffer the same experiences.

A landfill expansion is not compatible with the area. I read that there were two new subdivisions planned for development nearby. We also need more businesses. The landfill severely impacts property values and depresses the area. This area is part of the

MW

Desired Development Zone and growth should be encouraged. With the construction of the new Highway 130, we are now inside the city loop. The landfill needs to move away from neighborhoods so that North East Austin can continue to grow and prosper as it should. With a granted permit to expand, BFI/Sunset Farms will have no incentive to move away and will never do so. BFI must find a more suitable location where people and businesses are not severely impacted.

Please do the right thing and put the needs and health of Austin, its North East residents and neighborhoods ahead of BFI's corporate greed and profits. Put an end to bad landfill practices and protect the people. Let Austin grow and keep Austin beautiful.

Let the sun finally set for Sunset Farms Landfill.

Thank-you,

Juan Deanda

Juan Deanda

MSW 51757

Thursday, June 21, 2007

OPA
JUN 22 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 21 AM 9:20
CHIEF CLERKS OFFICE

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

FROM: Mandy Doctoroff
6417 Boyce Lane
Austin, TX 78754
(512)272-9870

(Mailing Address) 6417 Boyce Lane
Manor, Texas 78653

RE: Sunset Farms Landfill, Permit No. 1447 and Proposed 1447-A;
BFI Waste Systems of North America, Inc. & Giles Holdings, L.P.

I am opposed to the expansion of the BFI/Sunset Farms Landfill, and request that the Executive Director deny the above referenced permit for the following reasons:

With so much residential growth in Harris Branch and the areas of Austin up and down Hwy 290 this landfill no longer sits in an area where it is reasonable. On several occasions, there have been foul sulfur odors as I walk out my back door, and the larger the landfill grows the more frequent and the worse the odors become. Just this last month I had to call to complain because we could smell the odor from inside the house. I am afraid as this landfill grows larder for the quality of water in our home. At this point, we buy ALL water we use from the store because when you turn on our water at home it has the same foul sulfur odor as the landfill. As I called in last month to complain the original person on the phone tried to talk me out of making a complaint, they also tried to say there was no problem. I do not at all appreciate being lied to nor do I appreciate not being taken serious. These are real concerns!

Another concern for my family is the amount of traffic on Giles Road coming and going from the landfill. This road is used frequently during rush hour and the large trucks crossing in front of cars are dangerous. Most of the drivers do not watch to see who is coming when they pull into or out of the landfill yard. When they do pull out debris and trash are thrown all over the road and cars. I have seen on several occasions after a rainstorm, the city street sweepers working ALL Day Long to try to clean this road and still get nowhere; those are city tax dollars going literally in the garbage.

One additional concern is the general quality of life for this area. The landfill brings down the quality of life with, the type of people who hang out around the landfill and the type of views others have on this area. I don't want it to be OK for someone to throw trash on my roads just because this landfill is in the area. This seems to be the case on the roads around the landfill. It cost close to $50 to get in and throw the trash away, so people just dump the trash near the landfill, again city tax dollars are used to help clean these areas up as well. I have also recently witnessed on my way to work a gentleman squatting up against the landfill fence going to the restroom, no not just taking a pee but doing his business in clear daylight. I do not want my son to be raised around this area for the sole purpose of what is attracted to this place.

I appose the landfill expansion for many reasons but the main one is the quality of life those of us on lower incomes are trying to achieve. The city tends to be all talk on this issue but no action; let's see some action!

Mandy Doctoroff

Mandy Doctoroff (272-9870)
Harris Branch Resident.

MW

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 21 AM 9:20
CHIEF CLERKS OFFICE

TO office of the Chief Clerk, MC105

Fax # 512 239-3311

I am mailing the original.

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Jocelyn Doherty

Address: 1103 Byers Ln.

City/State: Austin, Tex Zip: 78753

Phone: (512) 873-7391

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:38
CHIEF CLERKS 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? _____

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

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

I would like to know why Austin has to take the garbage from Killeen + Bastrop when they don't even have recycling in there towns.

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

MSW 51757

9.13.2007

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

OPA
SEP 18 2007
BY

Re: BFI Sunset Farms Proposal Municipal Solid Waste Permit 1447 A

Ms. Castanuela,

I am writing to you because I am a resident of the Harris Branch community. My children attend Bluebonnet Trail Elementary on Farmhaven Rd. and Children's Courtyard on Harris Branch. We are opposed to the expansion of the BFI landfill in our area. Our children already experience shortened recess from both facilities as a result of the odor from the landfill. We often shorten our walks around the neighborhood for the same reason. (I'm sure you are aware of the importance of this exercise to reduce the risk of obesity and juvenile diabetes.)

We expect you to **oppose the expansion of this facility**. It is best for our neighborhood and community for this expansion to be put to an end. We have grown weary of the delay and are ready to see that you are interested in serving this community by opposing this expansion.

Thank you,

Mandy N Douglas
7020 Thistle Hill Way
Austin, Texas 78754

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 SEP 18 AM 9:48
CHIEF CLERKS OFFICE

MW

MSW 51757

TRAVIS COUNTY COMMISSIONER, PRECINCT 2

June 15, 2007

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

OPA
JUN 18 2007
BY

2007 JUN 15 PM 3:53
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: BFI Sunset Farms Proposed Municipal Solid Waste permit No. 1447a

Dear Ms. Castañuela:

I am Travis County Commissioner for Precinct 2. The landfill that is the subject of the above referenced pending permit is located close to but not within my precinct. On June 5, 2007, the Travis County Commissioners Court voted in favor of the attached comment letter by a plurality. Commissioner Davis (in whose district the landfill is located), and I (representing the adjacent Precinct 2) voted against the comment letter as it was filed with the Commission. In light of the split of opinion, I would like to explain (at least) my opposition to the letter as submitted.

With the exception of the phrase "we refrain from opposing" in paragraph two of the second page, I find the letter solidly reasoned and worthy of support. However, the offending phrase repelled my support because (1) I believe a declaration of opposition or support is unnecessary at this time; and (2) at the moment such a declaration becomes necessary, the remainder of the letter makes clear that continued operation at this landfill site is ill-advised and should be opposed barring any significant change in circumstances.

Social utility of this landfill expansion should be defined by the benefits of the landfill's remaining waste disposal capabilities offset by its incompatibility with its surroundings. Under the current circumstances, the incompatibility outstrips the benefits. The weight may be redistributed by significant changes in circumstances which might include raised

MW

operating standards, filing of restrictive covenants, reduction of the rate at which waste is accepted, beneficial post-closure use of the property, or some other mitigation for the continued operation on a footprint that has otherwise reached or exceeded the limits of its social utility. To date, I have not witnessed any such significant change in circumstances.

For the reasons stated above, I do not support the comment letter as written. If I can be of further assistance to the Commission in this matter or any other, please do not hesitate to contact me.

Sincerely,

Sarah Eckhardt
Travis County Administrative Building
P.O. Box 1748, Room 530
Austin, TX 78767
(512) 854-9222

cc: S. Biscoe, M. Gomez, R. Davis, G. Daugherty, P. Gosselink

Travis County Commissioners Court

SAMUEL T. BISCOE
County Judge

RON DAVIS
Commissioner, Pct. 1

SARAH ECKHARDT
Commissioner, Pct. 2

GERALD DAUGHERTY
Commissioner, Pct. 3

MARGARET J. GÓMEZ
Commissioner, Pct. 4

Travis County Administration Building, 314 W. 11th, Commissioners Courtroom, 1st Floor, Austin, Tx 78701

May 30, 2007

MSW/51757

OPA
JUN 18 2007
BY

2007 JUN 15 PM 4:06
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

RE: BFI Sunset Farms Proposed Municipal Solid Waste permit No. 1447a

Dear Ms. Castañuela:

Travis County Commissioners' Court provides the following comments regarding the above-referenced proposed permit amendment. This application is submitted by co-permit holders, BFI Waste Systems of North America, Inc., 4542 SE Loop 410, San Antonio, Texas 78222-3925, and Giles Holdings, L.P., 1223 Judson Road, Longview, Texas 75601-3922, to expand the existing landfill in Austin, Texas, located on Giles Road near its intersection with Blue Goose Road.

Travis County has been discussing landfill issues for many years with neighboring constituents, BFI and the other waste operators in this immediate vicinity. These discussions included a settlement agreement with Waste Management in the early 90's and negotiations over solid waste facility siting ordinances in the early 2000's. There have been many attempts to negotiate operating agreements, 'memoranda of understanding and agreement,' etc...with BFI which, despite good faith efforts on all parts, have not been successful. Ultimately, BFI applied for an expansion of their existing landfill operation. Indeed, it is this application that elicits these comments.

The Travis County Commissioners Court believes this part of the City of Austin and County has outgrown these types of facilities and eagerly awaits the time that they close these operations and move to more compatible locations. Be that as it may, regarding the existing application, it is Travis County's understanding that through the established permit review mechanism of the Solid Waste and Executive Committees of the Capital Area Planning Council of Governments (CAPCOG), certain special conditions have been specifically agreed to by BFI. Both the CAPCOG Solid Waste Advisory Committee and Executive Committee made these commitments from BFI prerequisite to a finding of conditional conformance with the Regional Solid Waste

MW

Management Plan. This conditional conformance was stated in a letter from CAPCOG sent to the Texas Commission on Environmental Quality on August 23, 2006, and re-committed to by BFI Waste Systems of North America, Inc./Allied Waste Services in a January 18, 2007, letter to CAPCOG. As such, these conditions have been embodied into the proposed permit by reference and attachments to the permit.

Agreed Special Conditions

By these comments it is Travis County's intention to identify issues of concern pertinent to the BFI expansion application. **Travis County continues to refrain from opposing the BFI expansion because of one applicant's promised compliance with the conditions outlined in the conditional conformance finding by the CAPCOG RSWMP.** It must be noted that Giles Holdings, L.P., one of the landowners, was not a signatory to the CAPCOG conditions.

These conditions are as follows:

- All waste handling, including both disposal and operation of a transfer station, ends at BFI's Sunset Farms Landfill by November 1, 2015.
- New landfills may be located in the Desired Development Zone if they include adequate buffer zones and other safeguards to avoid incompatible land use.
- CAPCOG opposes any landfill application by BFI Sunset Farms for a permit to operate as a waste disposal site and/or transfer station after November 1, 2015.
- CAPCOG continues to strongly encourage BFI Waste Services of North America, Inc. to locate and permit a Greenfield site in another location and relocate from its current site in northeast Travis County as soon as possible thereafter.
- CAPCOG strongly encourages BFI Sunset Farms to commit to bring no waste into Travis County from outside of Texas.

Consistent with these conditions articulated by CAPCOG and accepted by BFI, it is Travis County's understanding and position that BFI must leave the existing location earlier than November 1, 2015, if a new greenfield site is located and permitted prior to that date. BFI maintains that they are unable to secure an appropriate greenfield site. Secondly, should there be any future contested hearing on this matter, Travis County will seek party status so as to ensure the inclusion in the permit of the conditions required by CAPCOG.

FURTHER COMMENTS

Travis County provides further comments regarding this proposed permit amendment because of existing and (inevitable) future land use issues at the site; and regarding certain technical issues associated with the proposed expansion; and regarding the applicant's compliance history

Land Use Issues

Because of proximity to the landfill, adjacent landowners suffer visual, olfactory, and other impairments to the use and enjoyment of their private property. The applicant has a history of nuisance odor violations that have affected neighboring communities. Moreover, the location of the proposed expansion is in the community's preferred growth corridor, known as the "Desired Development Zone" as designated by the City of Austin's Transportation, Planning and Sustainability Department. Thus, many residences, commercial buildings, and employment sites have been, and in the near future will be, constructed near the site. Contextually, it must be noted that there are almost one thousand residences within one mile of the proposed site. Indeed, the application acknowledges that this is the fastest growing sector of the Austin metropolitan area. Further, the Greater Austin Chamber of Commerce states that there was 48% growth in the 1990's and the 2000 census indicates only four U.S. metro areas saw greater total net migration than Austin between 1995 and 2000. Thus, in terms of siting facilities for expansion that avoid nuisances to neighbors and communities, this location is obviously a poor choice. It is clear that the land use pattern that will prevail for the foreseeable future in the vicinity of the proposed expansion is incompatible with ongoing, expanded, and perpetual waste disposal activities.

A partial list of proximate existing and proposed residential developments follows.

- Harris Branch Subdivision
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- Development concept
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- Old Manor at Rosemont (apartments on 290 East)

In addition to these proximate residential developments, there are two closely located and well-established commercial enterprises: Applied Materials (employing about 2,000 people or more) is located within 2 miles of the site; and Samsung (employing about 1,000-1,500 people) is also located nearby. Additionally, there are several housing projects under construction on Johnny Morris Road and others being constructed to the north and east of the landfill.

The application suggests that because there are 793-acres of permitted landfills within one square mile of the facility, the proposed expansion does not constitute a change in land use patterns. This suggestion is misleading because approximately one-third of that acreage is comprised of a closed landfill that will never re-open. The remaining acreage is between 5-8 years away from final contour and SHOULD be closing, never to re-open. Further the application seems to suggest that because 65% of the land within one square mile is open land there are no impending compatibility conflicts. This too is misleading in light of the above-stated information that this area is the fastest growing planning sector in the City of Austin; it also ignored the fact that a

major new roadway (SH 130) connecting nearby to SH 290 will casue an increase in commercial and residential development opportunities; indeed, without limiting conditions the landfills could be phased out as completely incompatible land uses.

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TCEQ has fined the applicant for the following violations: stormwater pollution, leachate system operating violations, nuisance odors violations and emissions of harmful gases that affected neighbors and communities. Given this history of violations, and given such a large expansion proposal, it is probable that violations will increase in proportion to the size of the expansion. Thus it would seem prudent to require the applicant to demonstrate that it has taken steps to mitigate this possibility.

A summary of the applicant's violations follows.

BFI Citations

BFI, as owner and operator of the Landfill, has been cited by the TCEQ as follows:

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5. TEX. WATER CODE §26.121 (a) (2) by allowing an unauthorized discharge of waste into or adjacent to any water in the state, as documented during an investigation conducted on **March 27, 2002**. Specifically, A TCEQ investigator observed accumulations of sediment and landfill debris in drainage channels that flow into unnamed tributaries of Walnut Creek.

Source:
June 23, 2004 Agreed Order Docket No. 2002-0936-MLM-E

Permit Text Clarifications
In addition to the land use, technical and compliance history issues, there are several areas in the permit application which need clarification and/or change.

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2005 along with revisions dated May 8, 2006, August 22, 2006, November 10, 2006, January 18, 2007, February 12, 2007, and March 14, 2007. Travis County received the initial volumes dated August 1, 2005, after requesting them from BFI; however, despite a longstanding history of dialogue, no subsequent revisions were sent to Travis County for review. Travis County thus reserves the right to make further comment upon those sections after received and after having a reasonable time to review them.

5. Consistently throughout the August 1, 2005, Permit Application, the termination date for receiving wastes listed is 2018. This figure is used for all calculations found throughout the document and conflicts with stated commitments to the Capital Area Council of Governments and others that applicants would cease acceptance of wastes by November 1, 2015. BFI, Allied Waste and Giles Holdings should thus revise the dates everywhere stated in the application to conform to the November 1, 2015, date

Summary

In our ongoing monitoring of BFI's promise to comply with the conditions of the CAPCOG RSWMP conditional conformance finding, we offer these comments identifying issues of concern pertinent to the BFI expansion application. In addition to these comments, we will continue to represent the interests of Travis County as outlined by the CAPCOG conditions and otherwise by pursuing party status in any future contested hearing for BFI and Giles Holdings' permit amendment.

Sincerely,

Samuel T. Biscoe
Travis County Judge

Ron Davis
Commissioner, Precinct One

Sarah Eckhardt
Commissioner, Precinct Two

Gerald Daugherty
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four

SARAH ECKHARDT
TRAVIS COUNTY COMMISSIONER PRECINCT 2

TRAVIS COUNTY ADMINISTRATION BUILDING
P.O. BOX 1748 ROOM 530
AUSTIN, TEXAS 78767
(512) 854-9222

FAX TRANSMISSION

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 15 PM 3:58
CHIEF CLERKS OFFICE

To: Ms. LaDonna Castañuela

From: Sarah Eckhardt

Date: June 15, 2007

RE: BFI Sunset Farms Proposed Municipal Solid Waste Permit No. 1447a

This fax transmission is 10 *pages, including this page.*

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TRAVIS COUNTY COMMISSIONER, PRECINCT 2

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

June 15, 2007

2007 JUN 20 AM 11: 14

CHIEF CLERKS OFFICE

OPA

JUN 20 2007

BY DM

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

RE: BFI Sunset Farms Proposed Municipal Solid Waste permit No. 1447a

Dear Ms. Castañuela:

I am Travis County Commissioner for Precinct 2. The landfill that is the subject of the above referenced pending permit is located close to but not within my precinct. On June 5, 2007, the Travis County Commissioners Court voted in favor of the attached comment letter by a plurality. Commissioner Davis (in whose district the landfill is located), and I (representing the adjacent Precinct 2) voted against the comment letter as it was filed with the Commission. In light of the split of opinion, I would like to explain (at least) my opposition to the letter as submitted.

With the exception of the phrase "we refrain from opposing" in paragraph two of the second page, I find the letter solidly reasoned and worthy of support. However, the offending phrase repelled my support because (1) I believe a declaration of opposition or support is unnecessary at this time; and (2) at the moment such a declaration becomes necessary, the remainder of the letter makes clear that continued operation at this landfill site is ill-advised and should be opposed barring any significant change in circumstances.

Social utility of this landfill expansion should be defined by the benefits of the landfill's remaining waste disposal capabilities offset by its incompatibility with its surroundings. Under the current circumstances, the incompatibility outstrips the benefits. The weight may be redistributed by significant changes in circumstances which might include raised

mw

operating standards, filing of restrictive covenants, reduction of the rate at which waste is accepted, beneficial post-closure use of the property, or some other mitigation for the continued operation on a footprint that has otherwise reached or exceeded the limits of its social utility. To date, I have not witnessed any such significant change in circumstances.

For the reasons stated above, I do not support the comment letter as written. If I can be of further assistance to the Commission in this matter or any other, please do not hesitate to contact me.

Sincerely,

Sarah Eckhardt
Travis County Administrative Building
P.O. Box 1748, Room 530
Austin, TX 78767
(512) 854-9222

cc: S. Biscoe, M. Gomez, R. Davis, G. Daugherty, P. Gosselink

Travis County Commissioners Court

SAMUEL T. BISCOE
County Judge

RON DAVIS
Commissioner, Pct. 1

SARAH ECKHARDT
Commissioner, Pct. 2

GERALD DAUGHERTY
Commissioner, Pct. 3

MARGARET J. GÓMEZ
Commissioner, Pct. 4

Travis County Administration Building, 314 W. 11th, Commissioners Courtroom, 1st Floor, Austin, Tx 78701

May 30, 2007

MSW 51757

OPA
JUN 22 2007
BY

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

RE: BFI Sunset Farms Proposed Municipal Solid Waste permit No. 1447a

Dear Ms. Castañuela:

Travis County Commissioners' Court provides the following comments regarding the above-referenced proposed permit amendment. This application is submitted by co-permit holders, BFI Waste Systems of North America, Inc., 4542 SE Loop 410, San Antonio, Texas 78222-3925, and Giles Holdings, L.P., 1223 Judson Road, Longview, Texas 75601-3922, to expand the existing landfill in Austin, Texas, located on Giles Road near its intersection with Blue Goose Road.

Travis County has been discussing landfill issues for many years with neighboring constituents, BFI and the other waste operators in this immediate vicinity. These discussions included a settlement agreement with Waste Management in the early 90's and negotiations over solid waste facility siting ordinances in the early 2000's. There have been many attempts to negotiate operating agreements, 'memoranda of understanding and agreement,' etc...with BFI which, despite good faith efforts on all parts, have not been successful. Ultimately, BFI applied for an expansion of their existing landfill operation. Indeed, it is this application that elicits these comments.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 20 AM 11:15
CHIEF CLERK'S OFFICE

The Travis County Commissioners Court believes this part of the City of Austin and County has outgrown these types of facilities and eagerly awaits the time that they close these operations and move to more compatible locations. Be that as it may, regarding the existing application, it is Travis County's understanding that through the established permit review mechanism of the Solid Waste and Executive Committees of the Capital Area Planning Council of Governments (CAPCOG), certain special conditions have been specifically agreed to by BFI. Both the CAPCOG Solid Waste Advisory Committee and Executive Committee made these commitments from BFI prerequisite to a finding of conditional conformance with the Regional Solid Waste

Management Plan. This conditional conformance was stated in a letter from CAPCOG sent to the Texas Commission on Environmental Quality on August 23, 2006, and re-committed to by BFI Waste Systems of North America, Inc./Allied Waste Services in a January 18, 2007, letter to CAPCOG. As such, these conditions have been embodied into the proposed permit by reference and attachments to the permit.

Agreed Special Conditions

By these comments it is Travis County's intention to identify issues of concern pertinent to the BFI expansion application. Travis County continues to refrain from opposing the BFI expansion by virtue of one applicant's promised compliance with the conditions outlined in the conditional conformance finding by the CAPCOG RSWMP. It must be noted that Giles Holdings, L.P., one of the landowners, was not a signatory to the CAPCOG conditions.

These conditions are as follows:

- All waste handling, including both disposal and operation of a transfer station, ends at BFI's Sunset Farms Landfill by November 1, 2015.
- New landfills may be located in the Desired Development Zone if they include adequate buffer zones and other safeguards to avoid incompatible land use.
- CAPCOG opposes any landfill application by BFI Sunset Farms for a permit to operate as a waste disposal site and/or transfer station after November 1, 2015.
- CAPCOG continues to strongly encourage BFI Waste Services of North America, Inc. to locate and permit a Greenfield site in another location and relocate from its current site in northeast Travis County as soon as possible thereafter.
- CAPCOG strongly encourages BFI Sunset Farms to commit to bring no waste into Travis County from outside of Texas.

Consistent with these conditions articulated by CAPCOG and accepted by BFI, it is Travis County's understanding and position that BFI must leave the existing location earlier than November 1, 2015, if a new greenfield site is located and permitted prior to that date. BFI maintains that they are unable to secure an appropriate greenfield site. Secondly, should there be any future contested hearing on this matter, Travis County will seek party status so as to ensure the inclusion in the permit of the conditions required by CAPCOG.

FURTHER COMMENTS

Travis County provides further comments regarding this proposed permit amendment because of existing and (inevitable) future land use issues at the site; and regarding certain technical issues associated with the proposed expansion; and regarding the applicant's compliance history.

Land Use Issues

Because of proximity to the landfill, adjacent landowners suffer visual, olfactory, and other impairments to the use and enjoyment of their private property. The applicant has a history of nuisance odor violations that have affected neighboring communities. Moreover, the location of the proposed expansion is in the community's preferred growth corridor, known as the "Desired Development Zone" as designated by the City of Austin's Transportation, Planning and Sustainability Department. Thus, many residences, commercial buildings, and employment sites have been, and in the near future will be, constructed near the site. Contextually, it must be noted that there are almost one thousand residences within one mile of the proposed site. Indeed, the application acknowledges that this is the fastest growing sector of the Austin metropolitan area. Further, the Greater Austin Chamber of Commerce states that there was 48% growth in the 1990's and the 2000 census indicates only four U.S. metro areas saw greater total net migration than Austin between 1995 and 2000. Thus, in terms of siting facilities for expansion that avoid nuisances to neighbors and communities, this location is obviously a poor choice. It is clear that the land use pattern that will prevail for the foreseeable future in the vicinity of the proposed expansion is incompatible with ongoing, expanded, and perpetual waste disposal activities.

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5. Consistently throughout the August 1, 2005, Permit Application, the termination date for receiving wastes listed is 2018. This figure is used for all calculations found throughout the document and conflicts with stated commitments to the Capital Area Council of Governments and others that applicants would cease acceptance of wastes by November 1, 2015. BFI, Allied Waste and Giles Holdings should thus revise the dates everywhere stated in the application to conform to the November 1, 2015, date

Summary

In our ongoing monitoring of BFI's promise to comply with the conditions of the CAPCOG RSWMP conditional conformance finding, we offer these comments identifying issues of concern pertinent to the BFI expansion application. In addition to these comments, we will continue to represent the interests of Travis County as outlined by the CAPCOG conditions and otherwise by pursuing party status in any future contested hearing for BFI and Giles Holdings' permit amendment.

Sincerely,

Samuel T. Biscoe
Travis County Judge

Ron Davis
Commissioner, Precinct One

Sarah Eckhardt
Commissioner, Precinct Two

Gerald Daugherty
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Jeanie C Ferguson

Address: 4712 Virginia Dare LANE

City/State: Austin Zip: 7875

Phone: ( )

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 38
CHIEF CLERKS 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?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

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

MW

May 24, 2007

To Whom It May Concern:

I want to strongly voice my objection to expansion of any type of the BFI Landfill on E 290. The city does not need the landfill space. This area is one of rapid growth for housing communities. It's proximity to Austin downtown and tech companies make it ideal for housing. To expand BFI this close to the core of Austin and in an area of rapid housing growth is not reasonable or logical.

Jeanie C Ferguson
4712 Virginia Dare Lane
Austin 78754

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:38
CHIEF CLERKS OFFICE

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Wallace + Marsha Fowler

Address: 3604 E.K. Lane

City/State: Austin TX Zip: 78754

Phone: (512) 926-2652

2007 MAY 25 AM 11:38
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

☑ Please add me to the mailing list.

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

If yes, which one? _____

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

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

We oppose the expansion of the landfill.
We support its closure as soon as possible.

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

MW

Filed written Comments

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Kyle & Sara Friesen

Address: 4714 Virginia Dare Ln

City/State: Austin, TX **Zip:** 78754

Phone: (512) 797-6708

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:48
CHIEF CLERKS 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? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

Did not speak

☑ **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.

Kyle Friesen
4714 Virginia Dare Ln
Austin, TX 78754

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

I have no doubt there will be many comments about odor, air quality effects on health, ~~and~~ and concerns about leaks and other possible effects on ground water. ~~These~~ These subjects are of great concern to me, as well. The vicinity is home to a large number of reasonably priced single family homes that are a draw to young families with young children, such as mine. These potentially ~~hazardous~~ deleterious health factors may effect small children more significantly than adults.

There are also concerns about the heavy traffic of massive waste transport vehicles. The roadways are increasingly stressed by the growing population in the region. There are dangers in having such a high degree of industrial traffic in a heavily residential commuter zone.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:38
CHIEF CLERK'S OFFICE

This is also a highly desirable development zone for the Austin Metro area. The result of an expansion would be to prolong the use of this ~~loca~~ land (and in collateral effect, the bordering land) in a manner that does not improve ~~the~~ the economy of the Greater Austin Area and in the immediate vicinity. New homeowners, and new businesses will be deterred from the landfill area by its undesirability. The land itself is also unusable until closure. 2015 is a very long way off. Austin is growing now, and East Austin faster than most areas.

Please consider the economic factors, as well as the

Have formal oral comment (3)

TCEQ Public Meeting Form

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 30
CHIEF CLERKS OFFICE

BFI Waste Systems of North America, Inc
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Mayor Hector Gonzales (Village of Webberville)

Address: P.O. Box 367

City/State: Webberville, Tx **Zip:** 78653

Phone: (512) 431-1363

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

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

If yes, which one? Village of Webberville

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.

MW

Julie L. Hill
7004 William Wallace Way
Austin, Texas 78754

MSW
51757

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT -4 AM 10: 45
CHIEF CLERKS OFFICE

October 2, 2007

OPA
OCT 04 2007
BY

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

Re: BFI Sunset Farms Proposed Municipal Solid Waste Permit 1447A

Dear Ms. Castanuela:

I am writing to express my opposition to any expansion of the Giles Road, BFI landfill. My family and I are residents of Harris Branch and love the neighborhood with the exception of the landfill. As you can imagine, the landfill is unsightly and unpleasant to have in the neighborhood and in the area in general. Many times there is an extremely foul odor in the air and our neighborhood has more flies than I have seen in any areas of Austin. Every time you drive by the landfill the smell is sickening and cannot be avoided Harris Branch, and the many other subdivisions being built, are already very much effective by the air, water and ground pollution produced by this landfill. The landfill is also very near a large day care and Bluebonnet Elementary School which are particularly subjected to the smell of garbage on a daily basis, not to mention the parade of large trucks up and down the streets. Children should not have to be subjected to this all day long. Allowing this dump to be built higher or larger will only greatly increase these problems.

Thank you for your attention in this regard.

Sincerely,

Julie L. Hill

Cc: Austin City Council
Travis County Commissioners Court

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 OCT 24 PM 2:31

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

MSW 51717

October 23, 2007

OPA

OCT 26 2007

BY

Mr. John C. Hill, Jr.
Director, Transactions Division
Travis County
P.O. Box 1748
Austin, Texas 78767

Re: Municipal Solid Waste (MSW) Permits--Travis County, Texas
BFI Waste Systems of North America – Sunset Farms Landfill
MSW Permit Application No. #1447A

Dear Mr. Hill:

I'm writing in response to your letter requesting a copy of the revised Draft Permit for the Sunset Farms Landfill. The revised Draft Permit is enclosed.

If you need any further assistance, please contact me at (512) 239-3900 or Mr. Steve Shepherd with the Environmental Law Division at (512) 239-0600.

Sincerely,

Glenn Shankle
Executive Director

Enclosure

20507

DAVID A. ESCAMILLA
COUNTY ATTORNEY

RANDY T. LEAVITT
FIRST ASSISTANT

JAMES W. COLLINS
EXECUTIVE ASSISTANT

314 W. 11TH, STREET
GRANGER BLDG., SUITE 420
AUSTIN, TEXAS 78701

P. O. BOX 1748
AUSTIN, TEXAS 78767

(512) 854-9513
FAX: (512) 854-4808

COUNTY OF TRAVIS STATE OF TEXAS 1839

OPA
OCT 26 2007
BY

TRANSACTIONS DIVISION

JOHN C. HILLE, JR., DIRECTOR †
BARBARA J. WILSON
MARY ETTA GERHARDT
STACY WILSON
TAMARA ARMSTRONG
JAMES M. CONNOLLY
TENLEY A. ALDREDGE
JULIE JOE
DANIEL BRADFORD

† Member of the College of the State Bar of Texas

October 19, 2007

RECEIVED
OCT 19 2007
EXECUTIVE DIRECTOR

Glenn Shankle, Executive Director
Texas Commission on Environmental Quality
Office of the Executive Director, MC 109
P.O. Box 13087
Austin, Texas 78711-3087

2007 OCT 24 PM 2:21
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: BFI Waste Systems of North America, Inc. Permit No. 1447A

Dear Mr. Shankle:

Travis County has received a copy of the Response to Comments dated October 5, 2007. It referenced a change for the Draft Permit. I request a copy of the revised draft permit as soon as possible for the BFI Waste Systems of North America, Inc. Permit No. 1447A.

Sincerely,

John C. Hille, Jr.
Director, Transactions Division

CC: Steve Shepherd, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

170513-1 163.1581

MW

Give formal oral comment (17)

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 35
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Ellen Hironymous (Ellen)

Address: 2402 Post Oak Rd

City/State: Webberville TX Zip: 78653

Phone: (512) 276-9826

☒ Please add me to the mailing list.

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

If yes, which one? Webberville, Village of

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

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

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

mw

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Lisa, Joel, John Hotchkiss

Address: 12012 Kilmartin Ln

City/State: Manor, TX Zip: 78653

Phone: (512) 278-1110

2007 MAY 25 AM 11:
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

☒ 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. see back

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

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

OPA

PM APR 11 2007

BY _____

MSW 51757

BFI Wastesystems of N. America INC.,
Permit # 1447A

My name is Kim Jones and I have lived in the Harris Branch community for 6 years. I was here when the landfill was having problems with odors everyday. I'm unsure as to what year that was but I remember having to quit my morning jog due to nausea from the gases. The landfill still has issues with odor and trash that lands on the highways and medians and the roads in front of the landfill are very dirty and muddy especially when it rains. The landfill needs to move, they need a larger buffer zone between them and people. They are too close to the neighborhoods, schools, daycares, and businesses. I have never seen a landfill as huge as this one and as close to people living in a community as BFI and Waste managment. As a registered nurse I truly believe it is a health hazard. With the new tollroads around Harris Branch and this being prime land for new development this is no place for a huge landfill that will be as tall as mount Bonnell if allowed the expansion. The landfill should not be allowed to expand. They have not improved enough in my eyes as a neighbor to allow expansion. I request a public meeting before this permit is passed. I would also like to be put on the mailing list for any information about their expansion and how it will affect me and my family.

Thank you,
Kim Jones
7024 Thistle Hill Way
Austin, TX 78754
(512) 272-8578

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 APR 11 AM 10:17
CHIEF CLERKS OFFICE

MW

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Ronald & Cam Junker

Address: 11709 Lansdowne Rd

City/State: Austin Texas Zip: 78754

Phone: (512) 278-8108

☑ Please add me to the mailing list.

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

If yes, which one?

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 8:38
CHIEF CLERKS OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

☐ I wish to provide formal oral comments.

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

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

The landfill is already reached the size of distraction. Odor, noise, & pollution have affected the quality of life throughout the area. Please DO NOT EXPAND the landfill

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

It is time to find a more suitable location.

MW

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Sheila Kaanappan

Address: 7120 Dagon Dr.

City/State: Austin TX **Zip:** 78754

Phone: (512)278-0452

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 10:40
CHIEF CLERKS 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? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

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

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

I oppose the landfill expansion, as a resident of Harris Branch.

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

MW

June 18, 2007

MSW 51757

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 20 AM 11:29
CHIEF CLERKS OFFICE

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

From: Janet Kloty
11100 Terrace Bluff
Austin, Texas 78754
(512) 837-5600

OPA
JUN 20 2007
BY DM

Re: Sunset Farms Landfill, Permit No. 1447 & Proposed 1447-A
BFI & Waste Systems of North America Inc. & Giles Holdings, L.P.

I am opposed to the expansion of the BFI/Sunset Farms Landfill, and request that the Executive Director deny the above referenced permit for the following reasons:

Odors: Even though I live 3½ miles away, I have smelled the obnoxious odors from the landfill periodically over the past few years, and as recently as June 12, 2007. On that occasion, when I was outdoors, there was almost no wind and as I walked around the yard, the smell was oppressive and to escape it, I had to go into the house. Also recently, the familiar landfill odor entered my car as I was driving on Braker east of I35, approximately 4½ miles from the landfill. The odor was strong enough to enter my car even though all of the windows were closed.

Height: The requested additional 75 feet of height would

MW

make the landfill even more of an eyesore in this northeast area of Austin, and will be an even more unsightly blight on the landscape that we see from our homes and streets. The landfill says they were here first, but there are many home here before them, including mine, that have felt and will continue to feel the adverse effects of their landfill.

Since the proposed expansion would be vertical over old, unlined landfilled cells, it would seem to be reasonable to effect that because of past bad landfilling practices, problems the landfill has experienced would be exacerbated. For example, there is a train of thought that high humidity or damp weather is a major contributing factor to the landfill odors that have been experienced. According to my weather station, on at least one occasion when I smelled the odor, the humidity level was 29% and the sky was clear. My observation has been that the odors are present after periods of soaking rains. If the odors are the result soaked, old garbage, what effect would a vertical expansion have?

Thank you for your consideration.

Janet Klotz

MSW
51757

Robert L. Lanford
P. O. Box 141411
Austin, Texas 78714-1411
(512) 385-2800

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 JUN 11 AM 10: 36

CHIEF CLERKS OFFICE

June 8, 2007

OPA

JUN 11 2007

BY KY

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

Re: Sunset Farms Landfill, Permit #1447 and Proposed 1447-A
BFI Waste Systems of North America, Inc. and Giles Holdings, LP

I live just North of the landfill and am opposed to the expansion of it. Please express my concerns to the appropriate office to deny the permit for the following reasons:

1. The odor has never been totally controlled as claimed by BFI.
2. I consistently have plastic bags and other wind-borne items deposited around my home and property which endanger livestock.
3. The back-up alarms on equipment thru the night prohibit me from sleeping with the windows open when weather permits and at times the lights that are used invade my home.
4. Truck traffic has deteriorated the roadways excessively and many of the roads are too narrow to allow two trucks to pass safely.
5. Patrons of the landfill continue to deposit debris on the roadway when they either discover the landfill closed or priced higher than they want.
6. Continued operation of the landfill will contribute to the propagation of buzzards, coyotes and other undesirable species that spread diseases.
7. Our property has been located close to the landfill for many years which has reduced our quality of life each time that the landfill was allowed to expand.

Sincerely,

MW

MSW
51757

Robert Lanford
P. O. Box 141411
Austin, Texas 78721-1411

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 APR 23 PM 2:36
CHIEF CLERKS OFFICE

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

OPA PM
APR 24 2007
BY

RE: BFI Waste Systems of North America, Inc.
Permit Number 1447A

To Whom It May Concern:

The expansion of the BFI facility over the past decade has adversely affected many aspects of my daily life and I am concerned about the future expansion possibilities.

Please allow the public to voice their input at a Public Meeting and add me to any mailings to neighbors of the landfill that my affect my future.

Thank you for continuing to monitor the quality of life for Texas Citizens.

Sincerely,

Robert L. Lanford

MW

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 38
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Amber Lutig-Buonodono

Address: 11105 Seay Street

City/State: Austin, TX 78754 **Zip:** 78754

Phone: (512) 417-2830

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

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

If yes, which one? _____

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

We have repeatedly contacted TCEQ and have received no formal action based on our complaints. Additionally, I work part time as a substitute teacher at Bluebonnet Trail elementary and have repeatedly smelled noxious gasses from the landfill on the school grounds. I have seen these fumes make students' eyes water.

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

(14) Fabian Martinez gave formal oral comment

Maria Martinez gave formal comment (7)
Jesus Martinez gave formal comment (8)
Emilio Martinez gave formal comment (9)

TCEQ Public Meeting Form

Thursday, May 24, 2007

(10) Ariana Martinez gave formal comment

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

Maria Martinez
Jesus Martinez
Emilio Martinez
Ariana Martinez

2007 MAY 25 AM 11:34
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLEASE PRINT:

Name: Fabian Martinez

Address: 9009 Magna Carta Loop

City/State: Austin, Tx 78754 **Zip:**

Phone: (512) 215-9637

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

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

If yes, which one?

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

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

Ma

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 38
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: REBECCA MARTINEZ

Address: 1613 BRUSHY VIEW COVE

City/State: AUSTIN, TX **Zip:** 78754

Phone: ( ) 837-4744

DO NOT EXPAND!

☐ **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

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

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

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

(Written comments may be submitted at <u>any time</u> during the meeting)

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

MSW
51757

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 APR 23 AM 9:59
CHIEF CLERKS OFFICE

April 18, 2007

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

RE: BFI Waste Systems of N. America, Inc. permit number 1447A

To Whom It May Concern;

This letter shall serve as a request for a public meeting to voice our concerns over the proposed expansion of the landfill on Giles Lane in Austin, Texas.

Having lived in the Harris Branch subdivision for almost 14 years, we have seen the condition of the neighborhood's streets deteriorate rapidly due to increased dump truck traffic. In addition, Blue Goose Lane is in constant need of repair, and US 290 E is a mess on rainy days and almost un-drivable. Also, although improvements have been made, there is the odor problem, the noise factor at night (can't sleep with the windows open) and other issues.

Please put our names on the mailing list of this application.

Kenneth W. Miller
Christine Miller
6823 Ashprington Lane
Austin, Texas 78754
512-272-5077

OPA PM
APR 23 2007
BY

Sincerely,

Christine Miller

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 31
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: JAN MILSTEAD

Address: 1903 RIDGLANDS

City/State: AUSTIN TX **Zip:** 78757

Phone: (512) 479-0227

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

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

~~Head to home~~

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

MAY 24, 2007

I STRONGLY OPPOSE THE EXPANSION BFI IS REQUESTING BECAUSE BFI HAS A POOR RECORD OF MAINTAINING LANDFILLS ADEQUATELY. IN ADDITION THE LANDFILL IN IN THE MIDDLE OF A NEIGHBORHOOD WITH NO BUFFER ZONE BETWEEN IT AND IT'S NEIGHBORS AND THE RESULTING HEAVY TRAFFIC. BFI HAS NOT INSURED SAFETY OF THE GROUND WATER OF ALL RESIDENTS BY ALLOWING LEAKAGE DUE TO LINERS AS WELL AS RUNOFF. BFI'S INABILITY TO CONTROL GASES FROM THE LANDFILL ALSO MAKES LIFE FOR RESIDENTS UNBEARABLE.

CLEARLY THE RESIDENTS ARE VERY EXASPERATED WITH COMPLIANCE WITH THEIR REQUESTS CONCERNING SMELL, WATER RUN OFF, WATER CONTAMINATION BASED ON THEIR ON THE GROUND EXPERIENCE IN LIVING WITH THE LANDFILL AS THEIR NEIGHBOR.

SINCERELY,

JAN MILSTEAD
1903 RED LANDS
AUSTIN TX 78757

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:37
CHIEF CLERKS OFFICE

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

OPA

JUN 26 2007

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 JUN 25 AM 10: 08

CHIEF CLERKS OFFICE

MSW 31757

DATE: June 20, 2007

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

FROM: Roberto & Cindy Montoya
6701 Tulloch Way Austin TX 78754
512-272-8687

RE: Sunset Farms Landfill, Permit No. 1447 and Proposed 1447-A; BFI Waste Systems of North America, Inc. & Giles Holdings, L.P.

I am opposed to the expansion of the BFI/Sunset Farms Landfill, and request that the Executive Director deny the above referenced permit for the following reasons:

I am concerned for the quality of life for all East Austin neighbors if the Landfill is allowed to expand. Austin has prided itself on being a green city and there is no way that such a huge mountain of trash fits in with this description at all. This is not a landfill at all. They haven't enough room to make it healthy and environmentally sound so they have just thrown all that out the window for the sake of money and built this monstrosity the only way they had left, which is straight up. Myself and my neighbors have smelt such a nasty smell on so many occasions walking right out side our doors. The streets all around our neighborhood are muddy and riddled with trash. I have had four flat tires since I have lived out here and it has been from debris falling out of the trash trucks. Speaking of trash trucks, they are another big problem. Besides the trash and the mud which causes us to have to wash our car sometimes more than once a week because you can't see out the back, there is the bigger problem of the trucks just pulling right out in front of you when you are driving. I have talked to several neighbors who have had this happen to them also. I don't feel that the agency is protecting us from all these bad landfill practices. For these reasons and more any additional landfill capacity is going to prolong their stay and make our lives much worse!! Please help us put an end to this nightmare.

Thank You,

Roberto & Cindy Montoya

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: SUSAN MORGAN

Address: 1611 Brushy View Cove

City/State: Austin TX Zip: 78754

Phone: (512) 834 1707

2007 MAY 25 AM 11:30
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

☐ 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.

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

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

DO NOT EXPAND

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

MW

Gave formal oral comment (24)

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Craig Nazor

Address: 11701 Barchetta Dr.

City/State: Austin, TX **Zip:** 78758

Phone: (512) 836-5087

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:36
CHIEF CLERKS 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? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 38
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Mike O'Brien

Address: 6610 Bramber Lane

City/State: Austin, TX **Zip:** 78754

Phone: (512) 272-9011

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

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

If yes, which one? Harris Branch Neighborhood Association

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

I am opposed to the height increase. There is too much about the landfill that is negative - Smells, dirty road traffic, etc.

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

MW

DATE: June 13, 2007

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 JUN 13 AM 10: 08

CHIEF CLERKS OFFICE

OPA

JUN 14 2007

BY KY

MSW 51757

FROM: Alice Penney
1411 Alma Drive
Austin, Texas 78753
512-835-2401

RE: Sunset Farms Landfill, Permit No. 1447 and Proposed 1447-A
BFI Waste Systems of North America, Inc. & Giles Holdings, L.P.

I am opposed to the expansion of the BFI/Sunset Farms Landfill, and request that the Executive Director deny the above referenced permit for the following reasons:

Traffic on Giles Lane just ain't what it used to be…

Since moving to my home in 1998, I have driven past the landfill to and from work everyday. I live on Alma Drive off Dessau and drive to Johnny Morris Road, east of 290. Years ago, Giles lane was 2 lane roadway and fairly congested. Then, the expansion began. When Giles lane construction was completed to the current 4-lane version with wide turn lanes, it was an improvement and traffic flowed much better. There were still large trucks in the lane beside me, but not an issue. Also, they frequently made (and still make) left turns out of Sunset Farms onto Giles lanes even though a sign at the exit says "No left turn". A driver told me it is quicker to get back to I-35 (and up to Temple/Killeen/etc) and, with gas prices what they are, who can blame them. But, at least the Giles Lane expansion gave wide view and turn lanes and made the road safer.

But, in these years I have been driving Giles Lane, Parmer Lane (just to the north) has been extended all the way to Highway 290. Harris Branch Parkway (also north) now connects to Parmer Lane. Pioneer Crossing, Harris Ridge, and other housing developments in Manor and Elgin have brought more commuters to the area. These drivers have learned how to avoid congested traffic on 290 and I-35 by driving down the "back roads". Giles Lane, Blue Goose, Cameron, Yager, Sprinkle Cut-off are no longer sleepy country roads used by residents and tractors (although I still see one man on his John Deere navigating his way to his fields some mornings). Commuters use these roads now and that is only going to continue to increase.

Please do what it takes to keep the large truck traffic to the current level and help it taper off by NOT increasing the capacity of the landfill. Let the Sunset Farms complete its life cycle with its current capacity. This whole area is not what it was when the landfills opened. And, neither is the traffic that flows past them on a daily basis.

Sincerely,
Alice Penney

Alice Penney

MW

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Alice Penney

Address: 1411 Alma Drive

City/State: Austin, TX Zip: 78757

Phone: (512) 835-2401

2007 MAY 25 AM 11:37
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

☐ Please add me to the mailing list.

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

If yes, which one? _____

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

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

I oppose the expansion because of the traffic increasing in the area. No longer empty

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

country roads, but busy municipal traffic along with the large truck traffic.

MW

MSW
51757

OPA PM
MAY 0 1 2007
BY J

April 27, 2007

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

Dear Sir or Madam,

I am writing to request a public meeting pertaining to the proposed plans to expand the BFI Waste Systems landfill (Permit No. 1447A) located in Austin, TX. I live in the Harris Branch Neighborhood and feel that this expansion will adversely affect my quality of life now and in the future. Furthermore, I feel that the geo-mechanical effects from the weight of the vertical expansion on the existing landfill have not been fully considered. Thus, I am opposed to the expansion of this landfill and feel that it should not be granted. Please include me on the mailing list of this application under the address listed below.

Thank you,

Abel Porras

Abel Porras
6834 William Wallace Way
Austin, TX 78754
(512) 278-0294

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 APR 30 PM 2:49
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUN 20 AM 11: 22
CHIEF CLERKS OFFICE

OPA
JUN 20 2007
BY DM

June 19, 2007

TO: La Donna Castanuels, Office of the Chief Clerk
Texas Commission of Environmental Quality
MC-105, P.O. Box 13087 Austin, TX 78711-3087

FROM: Leahbeth Prince
11613 Rydalwater Lane
Austin, TX 78754
14472

Our family has lived in the neighborhood of Harris Branch for 14 and ½ years. The BFI Landfill continues to be a problem because they are unwilling to wash the wheels of their vehicles as they come out of the dump. The mud and filth on their wheels then gets on our tires and is carried home to our garage. They could remedy this with a wash system, but they only "sweep" Giles road in rainy weather and this is insufficient.

The dump continues to smell. The odor in wet weather is much worse than it dry weather, but nonetheless also continues to be a problem.

Finally, the dump does not seem to monitor what comes out. I followed a truck on Tues, June 12 out onto Highway 290 from Giles Road. I would have taken the number, but was stopped at a light. It was losing insulation trash all the way down 290 from Giles Road into Austin. I lost him at the light at Tuscany. Many days 290 is littered with trash that somehow was not emptied and blows all over the area. Does BFI pick that up?

Thank you for any consideration you can give this area to the control of this business that affects our neighborhood in a negative way.

Leahbeth Prince

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

OPA RECEIVED

MAY 24 2007

AT PUBLIC MEETING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MAY 25 AM 11:37

CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Sherry Pyle

Address: 1509 Payton Falls Dr.

City/State: Austin, TX **Zip:** 78754

Phone: (512) 339-9645

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

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

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

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

I'm opposed to any landfill expansion at either site.

MW

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: GEORGIA RICH

Address: 1609 BRUSHY VIEW COVE

City/State: AUSTIN, TX **Zip:** 78754

Phone: ( ) 339-1460

☐ **Please add me to the mailing list.** I DO NOT WANT EXPANSION OF LANDFILL

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

If yes, which one? _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:40
CHIEF CLERKS OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

☐ **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.

MGW

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: F. Rinehart

Address: 7293 Burnet Rd

City/State: Austin **Zip:** 78757

Phone: (512) 490-8797

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

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

If yes, which one? Sustainable Bldg Coalition

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:40
CHIEF CLERK'S OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

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

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

(Written comments may be submitted <u>any time</u> during the meeting)

If TDI can do a recycling program, there is no excuse that BFI + WM can't either! Hold them accountable!

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

MW

Taking Patrick Van Hraren's place
Gave formal oral comment (4)

TCEQ Public Meeting Form

Filed written comments

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:30
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Robin Schneider

Address: 611 S. Congress Ave #200

City/State: Austin **Zip:** 78704

Phone: (512) 326-5655

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

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

If yes, which one? Texas Campaign for the Environment

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

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

MW

TEXAS CAMPAIGN FOR THE ENVIRONMENT

1611 S. Congress
Suite 200
Austin, TX 78704
tel: (512) 326-5655
fax: (512) 326-5922

3303 Lee Parkway
Suite 402
Dallas, TX 75219
tel: (214) 599-7840
fax: (214) 599-7889

May 24, 2007

Chief Clerk LaDonna Castañuela
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

2007 MAY 25 AM 11:30
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Ms. Castañuela:

On behalf of thousands of members of Texas Campaign for the Environment in Travis County, I want to first register a complaint about the process of scheduling this public meeting and the comment period. BFI and the TCEQ have created lots of confusion and sent many mixed messages about what is usually a simple and straightforward process.

I received the mailed notice that the draft permit was technically complete and that if there was sufficient public interest or a request by a state legislator, that a public meeting would be held. I worked with Rep. Mark Strama's office to send such a request only to learn on the same day that the request was made, that BFI and the TCEQ were, instead, just going ahead and setting a public meeting for May 24th. I voiced objections to setting this date because it coincided with the end of the state legislative session, as well as the Austin City Council regular meetings. Furthermore, there are many end of the school year activities, which for instance, called away the Chair of the City of Austin Solid Waste Advisory Commission Gerry Acuña who would have otherwise been here in attendance tonight.

In addition, the public comment period deadline has not been clear. Usually, the deadline for written comments is the day of the public meeting. Earlier, I heard that it would be May 26th. After that I heard that additional notice problems will extend that even further. BFI and the TCEQ have unnecessarily caused confusion which blunts public participation in this process.

BFI is asking for a 75-foot expansion. If that were to be granted by the TCEQ, it's important to note that the TCEQ has little to say about how slowly or quickly landfills take in garbage. TCEQ permits right now are based on the proposed capacity and an engineered design of a landfill. In fact, BFI could theoretically fill that up in one year, ten years, one hundred years or a thousand years. We recently found out that three landfills have permits that are estimated to last more than 2000 years, including one for 7785 years at present levels of intake. Forty other landfills have stated they have more than 100 years of capacity.

Because landfill permits are the only permits that do not have a time limit and a renewal process, unless BFI were to ask for another major expansion or other major change, this process is it. People can make complaints, the TCEQ will hopefully conduct its annual inspections, but there might never be a thorough review of this landfill's permit ever again.

However, the existing permit is flawed. Although BFI pledged in early 2005 to eliminate the emissions of noxious gases that cause odor problems, those problems are not solved. No

mw

expansion should be granted to a facility that cannot keep its promises and continues to operate in a way that harms the people that live, work and go to school nearby.

Some years ago, BFI was granted a one-time only 10-foot expansion that was supposed to address drainage issues. In fact, even in the recent rains this year, the drainage problems at the site have not been fixed. No permit expansion should be granted to a facility that cannot address its drainage problems.

We recently learned that the landowner of parts of the BFI site, Giles Holding Company, is listed as an applicant on the expansion application. This is not the normal course of action with landfill permitting and should not be allowed here. There is already confusion enough with having two active landfills next to each other and finger pointing at the other company when there are problems at these landfills. Adding another layer to diffuse accountability should not be allowed here or anywhere else in the state.

Part of the BFI site was constructed before the federal Subtitle D landfill rules were put in place, which means that some of the landfill has no liner. Even though liners are far from foolproof, expansions on top of unlined cells is not advisable. Because BFI submitted this expansion application before the new set of state rules were adopted in March 2006, BFI does not have to follow the new requirements for grandfathered facilities such as this one that is not fully lined. In essence, this facility is being great-grandfathered from complying with two generations of new rules. Texas has more landfill capacity than any other state, and Central Texas has plenty of landfill space. Expansions like these should be stopped.

The BFI expansion does not include state-of-the-art facilities for composting and other waste reduction, reuse and recycling. Texas deserves facilities that will meet the needs of the future, not larger facilities that do not meet today's needs.

As an organization with thousands of members in the City of Austin and Travis County, many who live in the neighborhoods surrounding the BFI and Waste Management landfills, we oppose expanding these landfills because gigantic, poorly-run waste operations are not compatible with the local land use pattern. There are many neighborhoods in the area that are being adversely impacted by the landfill now and will undoubtedly be harmed even more if this expansion is granted. Some of these homes were built before the landfill existed. But what matters more is that now there are many thousands of people who live, work and go to school nearby. They all need to be taken into account, along with the many thousands of others who will come to this area in the future, as Highway 130 will spur even greater growth in this corridor, enhancing the tax base for Travis County and nearby cities and school districts. The expansion is not compatible with what is happening in the area right now and should be rejected.

Sincerely,

Robin Schneider
Executive Director

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: Germaine Swenson

Address: 20826 Blake Manor Rd.

City/State: Manor, TX Zip: 78653

Phone: (512) 278-0908

☑ Please add me to the mailing list.

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

If yes, which one? Park Springs Neighborhood Asso. - Vice Pres.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:
CHIEF CLERKS OFFICE

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

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

I oppose the expansion of the landfill.
I oppose the use of Travis County property for regional landfills.

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

MW

Have formal oral comment

(11)

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:34
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: JOYCE THORESEN

Address: 3600 CARLA DR.

City/State: AUSTIN TX Zip: 78754

Phone: (512) 926-6204

☐ Please add me to the mailing list.

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

If yes, which one? WALNUT PLACE NEIGHBORHOOD ASSN.

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments.

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

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

MW

PM OPA

APR 03 2007

BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 APR -3 AM 10: 07

CHIEF CLERKS OFFICE

April 2, 2007

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

Re: Permit Application No. 1447A

Dear Mr. Shankle,

This is a request for a public meeting on the proposed Permit No. 1447A, BFI Waste Systems of North America for a vertical expansion of the existing Type I municipal solid waste landfill facility on Giles Road, Austin, TX.

This facility has had numerous problems in the past associated with inability to properly contain water run off. Also, odors repeatedly emanate from the BFI landfill, most of the time clearly present on Blue Goose Road. The BFI landfill is located .66 miles from the eastern border of Walnut Place neighborhood (as filed with the City of Austin Community Registry). A height expansion of the BFI landfill will adversely affect Walnut Place neighborhood with regard to 1) odors, 2) visibility, 3) property values, and 4) noise.

Our position is that the BFI should not be allowed to expand in this area. If, however, the expansion is approved, BFI should not be allowed to operate 24 hours/day, seven days/week. Neighbors on the north end of the neighborhood along Springdale Road are bothered by noise and light pollution now, and a height expansion would make those nuisances even worse. The working face is NEVER completely covered and is a detriment to the area and a threat to our quality of life. Residents in this area should be allowed to sleep at night without having to endure loud noises, light pollution, and frequent odors. BFI landfill constitutes a nuisance, and extending its life would constitute cruel and unusual punishment to our area.

Sincerely,

Joyce Thoresen

Joyce Thoresen
President
Walnut Place Neighbrohood Assn.
3600 Carla Dr.
Austin, TX 78754
jthoresen@austin.rr.com

1'20-14472

MSW
51757

From: Camtu Tran
12313 Innesview Ln
Manor, TX 78653

OPA
SEP 12 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 SEP 11 AM 9:56
CHIEF CLERKS OFFICE

To: Chief Clerk Ladonna Castanuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
P.O. Box 13087
Austin, Texas, 78711-3087

Refer to: BFI sunset Farms Proposed Municipal Solid Waste permit.

Dear Sir, Madam or to whom its may concern,

My name is Camtu Tran, I'm a residential in Speyside, Harris Branch.

At latest report, civic authorities appear to favor expansion of the Giles Rd. BFI landfill, which would allow the company to raise the mountain another 75 feet above the current height limit. Harris branch and other surrounding residential areas are already serious affected by the air, water and ground pollution, but a day school and Bluebonnet Elementary School (got approx. 700 students), which are so close to the landfill, are particularly subject to the smell of garbage.

Therefore, allow BFI to build the dump higher; or expanding these landfills will only create more pollution problems for neighbors, students and undercut recycling efforts in the region. We should not reward the bad behavior of these companies by allowing them to expand.

Please protect our future: all students of Bluebonnet Elementary School and protect our environment by stop them to expanding these landfills.

Sincerely

Camtu

Camtu Tran

9.10.07

Done formal oral comments (21)

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:35
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Elizabeth Trevino

Address: 12209 Little Fatima Cu

City/State: Austin Tx **Zip:** 78758

Phone: (512) 339-8006

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

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

If yes, which one? North East Neighbors Coalition

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

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

M-43

MSW
51757

April 25, 2007

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR 27 AM 10: 06

CHIEF CLERKS OFFICE

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

RE: Permit applicant, BFI Waste Systems of N. America, Inc., Permit number 1447A

To Whom It May Concern:

As a resident of Colonial Place neighborhood, my husband and I are very concerned about the BFI Waste Systems of N. America's application to vertically expand the landfill adjacent to our neighborhood. The landfill is already very high and disruptive to our quality of life due to the smells and sights of it. Plus, it attracts scavenger animals that have made their way in to our streets, houses and power lines. It is very bad for the value of our homes, and we are also worried about the health dangers that may be associated with the landfill expansion.

These are just a few reasons why we are strongly opposed to this expansion, and we request that you schedule a public meeting where these concerns can be openly discussed. In the meantime, please add us to your mailing list to keep us updated on this project. Our contact information is below.

Thank you,

Andrea Troncale

Andrea and Jason Troncale
4702 Valcour Bay Lane
Austin, TX 78754
Home Phone: 512-899-9294
Email: Andrea_Lucht@Hotmail.com

OPA PM
APR 27 2007
BY _____

MW

OPA

JUN 20 2007

BY _____ TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

N-500
51757

DATE: June 20, 2007

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

2007 JUN 21 AM 10: 08

CHIEF CLERKS OFFICE

FROM: KC Walter
8602 Karling Drive
Austin, Texas 78724
512-301-0018

RE: Sunset Farms Landfill, Permit No. 1447 & Proposed 1447-A;
BFI Waste Systems of North America, Inc. & Giles Holdings, L.P.

The proposed BFI expansion has got me worried...

...and also puzzled. Google's extensive aerial maps show that there is still lots of room at the site, so why does BFI even need to expand its height?

What especially worries me and my family, though, is a potential increase in that lung-choking acrid fine smoke that's so hard on my asthma. It is an environmental hazard on bad days.

We recently bought our home, which is at the front end where landfill was considered to be completely finished in that area. Now they want to raise it another 75 feet to burn new trash?

That's not what I was told when we bought our home last year. It will abruptly cut way down on the property value of my house, not to mention the other attendant problems of acrid fine smoke that increases lung problems, smell, unsightliness, and so on.

...and even the high-rise ugly edges to the site worries me.

WHY DOESN'T BFI AT LEAST LANDSCAPE THE FILL EDGES FACING THE PUBLIC? Much of it is completely un-landscaped and ugly. With landscaping, it would at least look more attractive.

Sincerely,

KC Walter

KC Walter
8602 Karling Drive
Austin, Texas 78724

MBW
51757

OPA
NOV 12 2007
BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 NOV 12 AM 10: 21
CHIEF CLERKS OFFICE

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

Subject: BFI/Giles Holdings Sunset Farms Landfill - Permit #1447 - Proposed Landfill Expansion - Permit 1447-A

I am against the proposed landfill extension by increased height. Some Austin City Council members recently voted to oppose the extension, but then the next day they decided "not to fight the extension."

I doubt they actually realize what increasing the height of the landfill will do to the city itself.

Already fine dark gray ash covers our car and fills our lungs whenever the dump is burring stuff and the wind blows this way. Our house is about a mile from the landfill. All of the smoke and fallout components are annoying to the sinuses and respiratory tract and good health in general, but some of it is actually toxic, according to lab tests.

Do you realize that if the height of the landfill rises, so will the increased area of the fallout traveling from the dump whenever it is burning? If the height is doubled as proposed, the fallout will easily travel fifteen miles to downtown Austin "as the crow flies" whenever the wind blows in that direction.

What a terrible treat for tourists to Austin, not to mention the State and City government, the many people at UT – the athletes and audiences at UT football games, and of course the rest of the city within about a sixteen mile radius from the dump. Austin would be a laughing stock.

I saw this kind of problem occur already once in El Paso. The city decided to allow ASARCO to double the height of its smelter smokestack. The proponents said it would make the smoke diffuse over a wider area and pose less annoyance and health threat.

But what actually happened was quite different. The fallout did not "diffuse." Instead it traveled in a line along whatever direction the wind was blowing from. It efficiently contaminated such a wide area of the city over time that eventually ASARCO was forced to shut down its plant there entirely and move away, because of the increased threat to the city's health. Do not let Austin make this foolish mistake that El Paso naively succumbed to.

Sincerely,

K C Walter

K.C. Walter, Ph.D. 8602 Karling Drive Austin, Texas 78724 512-301-0018

cc. Austin City Council

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 SEP 25 AM 10: 17

CHIEF CLERKS OFFICE

To:
La Donna Castañuela, Office of the Chief Clerk
Texas Commission on Environmental Quality
MC-105, P.O. Box 13087- Austin, Texas 78711-3087
Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F
P. O. Box 13087
Austin, TX 78711

OPA
SEP 26 2007
BY

MSW
51757

Subject: BFI/Giles Holdings Sunset Farms Landfill - Permit #1447 - Proposed Landfill Expansion - Permit 1447-A

I received a letter from the Austin City Council stating that **BFI/Giles Holdings Sunset Farms** will not be allowed to do their proposed landfill extension.

But I wonder if you or the Austin City Council is doing oversight on this landfill? I live where I can clearly see the South end of the landfill area, and for the last five weeks it has certainly looked to me like they are raising the height of the landfill. I have noticed a lot more noise and truck activity in the last five weeks there. The smoke is worse more often lately too, which may also be due to this issue.

I do not make this statement lightly. I have waited five weeks to be as sure as I reasonably can that this added height is actually occurring. I have even used the Google satellite mapping feature to check it from that angle. I am not totally sure, because I do not work there. I only live nearby and can easily watch it from my house.

I sincerely hope that you are actually checking on this issue in some way, instead of just taking their word on it. I could be wrong on this matter, but I think it is unlikely. If I am I apologize. If I am right, this should be looked into officially.

Sincerely,

K C Walter, PhD

K.C. Walter, Ph.D.
8602 Karling Drive
Austin, Texas 78724
512-301-0018

cc. Austin City Council

MW

M320
5/757

OPA
JUN 13 2007
BY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 JUN 12 AM 9:42

CHIEF CLERKS OFFICE

Date: June 8, 2007

Office of the Chief Clerk
TCEQ Commission
P.O. Box 13807 MC 105
Austin, TX 78711

RE: request to TCEQ Commissioners to deny BFI Landfill Permit # 1447A

Dear TCEQ Commissioners:

This letter is a frank request that you do not approve the permitting of the BFI expansion of this landfill.

-Travis County has sufficient permitted landfill space, without this BFI landfill.

-BFI is a non-local company with a bad record in public health compliance and a history of conviction for price fixing

-the addition of "Giles Holding" as an co-applicant has not been adequately explained and may be illegal

-if adequate environmental studies of the seven-story waste pile expansion have been done, they have not been appropriately circulated and the public has not been given adequate time for comment

- You have not addressed the health concerns raised by the community, part of the critical oversight function of your position

- Eastern Travis County has been designated a preferred growth region by the county and by the Austin City Council. A landfill operation is an inappropriate land use in the preferred growth area. Closing the landfill supports continued appropriate and needed development. Expanding the current site is crazy. Particularly when adequate, permitted landfill space exists.

The trust we place in you to act on our best interests is at stake. The years of effort, to shape the future of Austin and Travis County, in the desired growth region of eastern Travis County, is on the brink of being advanced or undermined, based on your vote.

Respectfully,

Martha Koock Ward

Martha Koock Ward
North Loop Planning Team Vice Chair
Ridgetop NA officer
905 East 55 ½ Street
Austin, TX 78751

MW

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: MARTHA Koock Ward

Address: 905 EASD 55½ St

City/State: Austin TX **Zip:** 78751

Phone: (512) 452-1151

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

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

If yes, which one? Ridgetop NA + No Loop Planning Team

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:
CHIEF CLERKS OFFICE

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

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

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

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

I oppose approval of this project. BFI has not proven to be a community minded entity but acts in violation of rules and laws of the community.

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

MW

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

ASW
51757

OPA PM
APR 30 2007
BY JV

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 APR 30 AM 10:31
CHIEF CLERK'S OFFICE

This letter is in regard to the DRAFT PERMIT on the application for expansion filed by BFI Waste Systems of N. America, permit number 1447A.

I am requesting a public meeting giving me and other concerned citizens the opportunity to voice our concerns over the expansion of this facility.

The quality of life for the citizens in the surrounding communities is being adversely affected.

Thank you for you consideration.

Robert Werstler
6708 Carisbrooke Lane
Austin, TX 78754
512-272-8934

Rob Werstler

MW

N50
31757

JOHN A. WILKINS
803 Cutlass
Austin, Texas 78734
512.771.3050

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 MAY 30 AM 9: 58

CHIEF CLERKS OFFICE

OPA

MAY 3 0 2007

BY

May 29, 2007

Office of the Chief Clerk
Attn: La Donna Castañuela
MC 105, TCEQ
P.O. Box 13087
Austin, Texas 78711

RE: BFI Waste Systems - Permit #1447
Proposed Expansion - Permit No. 1447A

Dear Ms. Castañuela:

As a landowner located a few hundred feet west of the above referenced landfill, I am opposed to the expansion. In the past when there have been problems with odors and blowing trash, I have contacted the landfill to tell them of such problems. It did no good. And it still does no good to complain. No one listens. We now have new residential neighborhoods in the area and there are plans for future ones. This new growth is not compatible with a 75' vertical expansion of the landfill.

Make the landfill close and leave the area by 2015, or sooner.

Sincerely,

John Wilkins

John A. Wilkins

MW

MSW
51757

JOHN A. WILKINS
803 Cutlass
Austin, Texas 78734
512.771.3050

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR 17 AM 10: 19

CHIEF CLERKS OFFICE

April 16, 2007

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

OPA PM
APR 17 2007
BY

RE: BFI Waste Systems (Applicant)
Permit No. 1447A

To Whom It May Concern:

Please place my name on the mailing list of the above referenced application. Further, I request that a public meeting be held that would allow the nearby residents and other property owners to express their concerns regarding the proposed expansion of the applicant's waste facility.

Sincerely,

John Wilkins

John A. Wilkins

MW

MSW
51757

Toni Wilkinson
11908 Dunfries Lane
Austin, Texas 78754
512 278-1697
wilkinson_toni@hotmail.com
(underscore, not space, between names)

OPA
OCT 08 2007
BY

2007 OCT -5 PM 2:35
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 3, 2007

14474

Chief Clerk LaDonna Castanuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
PO Box 13087
Austin, TX 78711-3087

Re: BFI Sunset Farms Proposed Municipal Solid Waste permit

I write to express my husband's, Richard Colbyn, and my concern about the expansion of the BFI landfill in our neighborhood. Our reasons are these:

1. The **rank odor** is pervasive throughout our neighborhood. We live on the eastern edge of the Harris Branch development off Farmhaven, and both of us travel past the landfill on Giles Rd. on our way to work via Highway 290. Some mornings the stench is so bad that we are forced to keep the house and car windows closed regardless of temperature. We step outside to walk the dog and almost gag. The problem is not merely cosmetic, but represents a serious health issue which could only get worse with expansion. We should be seeking a method to alleviate the existing problem instead of contemplating the expansion which can only create a more hazardous situation.
2. The **safety hazard** created by the silt deposited by the BFI trucks on Giles Rd., especially at the corner of Giles and 290 where moisture causes the road surface to become very slick. Many times we have watched vehicles spin out as they turn the corner onto 290, not realizing the hazardous road surface. Our neighbors travel that way into downtown, and it just does not make sense to increase this truck traffic in a residential area that has so few options for travel into downtown Austin.

Years ago when the dump was first created, perhaps this area of Austin was not predicted to be so heavily residential. I hope the Commission will find a better solution to this serious infringement of quality residential development in East Austin.

Sincerely,

Toni Wilkinson

mw

Toni Wilkinson
11908 Dunfries Lane
Austin, Texas 78754
512 278-1697
wilkinson_toni@hotmail.com
(underscore, not space, between names)

OPA
OCT 08 2007
BY
2007 OCT -5 PM 2:35
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

October 3, 2007

Chief Clerk LaDonna Castanuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code MC-105
PO Box 13087
Austin, TX 78711-3087

Re: BFI Sunset Farms Proposed Municipal Solid Waste permit

I write to express my husband's, Richard Colbyn, and my concern about the expansion of the BFI landfill in our neighborhood. Our reasons are these:

1. The **rank odor** is pervasive throughout our neighborhood. We live on the eastern edge of the Harris Branch development off Farmhaven, and both of us travel past the landfill on Giles Rd. on our way to work via Highway 290. Some mornings the stench is so bad that we are forced to keep the house and car windows closed regardless of temperature. We step outside to walk the dog and almost gag. The problem is not merely cosmetic, but represents a serious health issue which could only get worse with expansion. We should be seeking a method to alleviate the existing problem instead of contemplating the expansion which can only create a more hazardous situation.
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Years ago when the dump was first created, perhaps this area of Austin was not predicted to be so heavily residential. I hope the Commission will find a better solution to this serious infringement of quality residential development in East Austin.

Sincerely,

Toni Wilkinson

TCEQ Public Meeting Form

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: David Williams

Address: 11604 Rydalwater Ln

City/State: Austin, TX **Zip:** 78754

Phone: (512) 468-4073

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

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

If yes, which one? _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 PM 11:40
CHIEF CLERK'S OFFICE

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

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 <u>any time</u> during the meeting)

I oppose the expansion of the landfill

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

MW

TCEQ Public Meeting Form

Thursday, May 24, 2007

BFI Waste Systems of North America, Inc.
Proposed Permit MSW 1447A

PLEASE PRINT:

Name: REX YOCUM

Address: 11712 DUNFRIES LANE

City/State: AUSTIN TX Zip: 78754

Phone: (512) 784-8428

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11:37
CHIEF CLERKS 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? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☐ I wish to provide formal oral comments.

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

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

05/24/2007
Rex Yocum
Harris Branch resident, native Austinite
11712 Dunfries Lane

REASONS TO MOVE THE LANDFILLS

Winds carry the obnoxious odors far away.

The odors attract animals.

Mud tracked by departing vehicles creates a dangerously slick driving condition on a highly traveled Highway 290.

People have to wash their cars more often because of mud on the roads.

Winds blow some of the garbage to surrounding areas.

Some trash blows out of vehicles that are headed toward the dump and falls on the roads and on the roadside.

Garbage is an unsightly thing to view on your way to work and on your way back home.

If I dumped garbage in my front yard, there is no way the city, the health department, or my neighborhood would tolerate that.

We don't want the highest lookout point in Austin to be a landfill.

Sooner or later the landfill must move. We prefer it be sooner.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 MAY 25 AM 11: 37
CHIEF CLERKS OFFICE

OPA RECEIVED
MAY 24 2007
AT PUBLIC MEETING

mw