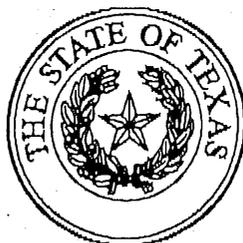


TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

JUN 29 PM 1:34

CHIEF CLERKS OFFICE

*MSW  
31757*



June 29, 2007

OPA

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

H JUN 29 2007  
BY     *pl*    

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

Dear Ms. Castañuela:

We are writing to express our opposition to the above referenced permit. The co-applicants, BFI Waste Systems of North America, Inc., and Giles Holdings, L.P. seek a seventy-five foot height expansion of their existing landfill located on Giles Road near the intersection with Blue Goose Road.

First, we request that you give every due consideration to the concerns raised by our constituents, members of the NorthEast Action Group and others who are directly affected by the pending application for expansion. The following issues are of particular concern to our constituents and to us:

- reports of excessive noise and foul odors that impact area residents and employees, including the staff and children who attend Bluebonnet Trail Elementary School;
- the impact the landfill will have on transportation, traffic, and planned road construction projects;
- a long history of citizen complaints regarding the applicant's operation of the existing landfill;
- the potential for the landfill to drain into area lakes used for recreation, including Decker Lake and a tributary of Walnut Creek, along with:
- allegations of long-standing drainage problems that have not been remedied;
- concern the current landfill does not contain adequate lining; and
- the need to consider whether the land buffers surrounding the landfill are adequate given the landfill's proposed height, resulting steep slope, and proximity to adjacent roads. Specifically, the agency needs to consider whether the land buffers are likely to withstand heavy rain and prevent runoff from penetrating the surrounding roads and interfering with area traffic.

*pl*

We ask that you please provide an extensive review of these and other concerns raised by our constituents, the Travis County Commissioner's Court, and others.

Second, we ask that the agency consider the compliance and complaint history of the applicant as this permit is considered, particularly as it pertains to previous promises the applicant has made to eliminate noxious gases that lead to odors. We are very concerned by reports that the applicant has a history of complaints and non-compliance. As you know, few issues impact the lives of citizens more directly than the issues that come before this agency, whether they be about air, water, or trash. It is extremely important that TCEQ act as a strict enforcer of our state's environmental laws. Therefore, we urge you to give sufficient consideration to the applicant's compliance and complaint history before granting them any additional privileges.

Third, while no one wants a landfill in their back yard, this permit is about much more than that. We are very concerned that the location of this proposed expansion constitutes an incompatible land use, and would disrupt future plans for growth and expansion in Northeastern Travis County. Thousands of residents live within one mile of the proposed site, and there are two nearby established businesses – Applied Materials and Samsung – that together employ several thousand people. Under Sections 361.069 and 361.089 of the Health & Safety Code, TCEQ has clear statutory authority to consider land use when making permitting decisions. With respect to this permit, we ask that you do so.

In closing, we encourage the Executive Director to issue a direct referral for a contested case hearing before the State Office of Administrative Hearings. There needs to be a determination of land use compatibility; the issues raised by our constituents need to be explored at length; and disputed issues of fact need to be resolved. There also needs to be an evaluation of the potential compromise reached between the applicants and the Travis County Commissioners, as well as consideration of any other permit limitations.

Thank you for your time. We appreciate the service you and your agency provide to our state. Please contact us if we can be of any assistance during this process.

Sincerely,



Kirk Watson  
State Senator  
Senate District 14



Mark Strama  
State Representative  
House District 50

cc: Chairman Kathleen Hartnett White  
Commissioner Larry R. Soward  
Commissioner H.S. Buddy Garcia  
Executive Director Glenn Shankle

**KIRK WATSON  
STATE SENATOR  
SENATE DISTRICT 14**

**FACSIMILE TRANSMITTAL SHEET**

TO: <b>LaDonna Castanuela</b>	FROM: <b>Senator Watson &amp; Rep. Strama</b>
COMPANY: <b>TCEQ</b>	DATE: <b>6/29/2007</b>
FAX NUMBER: <b>512-239-3311</b>	TOTAL NO. OF PAGES INCLUDING COVER: <b>3</b>
PHONE NUMBER: <b>512-239-3300</b>	SENDER'S REFERENCE NUMBER: <b>512-463-0114</b>
RE: <b>BFI Sunset Farms</b>	YOUR REFERENCE NUMBER:

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

TEXAS  
COMMISSION ON ENVIRONMENTAL  
QUALITY  
2007 JUN 29 PM 1:34  
CHIEF CLERK'S OFFICE

*MSW  
5757*



TEXAS STATE  
COMMISSION ON  
ENVIRONMENTAL QUALITY  
JUN 29 2007 11:52  
CHIEF CLERK'S OFFICE

June 29, 2007

OPA

H JUN 29 2007  
BY     *ra*    

Chief Clerk LaDonna Castañuela  
Office of the 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 NO. 1447a

Dear Ms. Castañuela:

We are writing to express our opposition to the above referenced permit. The co-applicants, BFI Waste Systems of North America, Inc., and Giles Holdings, L.P. seek a seventy-five foot height expansion of their existing landfill located on Giles Road near the intersection with Blue Goose Road.

First, we request that you give every due consideration to the concerns raised by our constituents, members of the NorthEast Action Group and others who are directly affected by the pending application for expansion. The following issues are of particular concern to our constituents and to us:

- reports of excessive noise and foul odors that impact area residents and employees, including the staff and children who attend Bluebonnet Trail Elementary School;
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- a long history of citizen complaints regarding the applicant's operation of the existing landfill;
- the potential for the landfill to drain into area lakes used for recreation, including Decker Lake and a tributary of Walnut Creek, along with:
- allegations of long-standing drainage problems that have not been remedied;
- concern the current landfill does not contain adequate lining; and
- the need to consider whether the land buffers surrounding the landfill are adequate given the landfill's proposed height, resulting steep slope, and proximity to adjacent roads. Specifically, the agency needs to consider whether the land buffers are likely to withstand heavy rain and prevent runoff from penetrating the surrounding roads and interfering with area traffic.

*MW*

We ask that you please provide an extensive review of these and other concerns raised by our constituents, the Travis County Commissioner's Court, and others.

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Thank you for your time. We appreciate the service you and your agency provide to our state. Please contact us if we can be of any assistance during this process.

Sincerely,



Kirk Watson  
State Senator  
Senate District 14



Mark Strama  
State Representative  
House District 50

cc: Chairman Kathleen Hartnett White  
Commissioner Larry R. Soward  
Commissioner H.S. Buddy Garcia  
Executive Director Glenn Shankle

TEXAS  
COMPTROLLER  
OF PUBLIC ACCOUNTS  
JUN 29 PM 1:52  
P. 01/03  
CHIEF CLERK'S OFFICE

KIRK WATSON  
STATE SENATOR  
SENATE DISTRICT 14

FACSIMILE TRANSMITTAL SHEET

TO: LaDonna Castanuela	FROM: Senator Watson & Rep. Strama
COMPANY: TCEQ	DATE: 6/29/2007
FAX NUMBER: 512-239-3311	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: 512-239-3300	SENDER'S REFERENCE NUMBER: 512-463-0114
RE: BFI Sunset Farms	YOUR REFERENCE NUMBER:

- URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

MSW  
51757



RECEIVED

JUL 02 2007

Texas Commission on Environmental Quality  
Commissioners' Office

June 29, 2007

OPA  
JUL 20 2007

BY DM

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2007 JUL 19 PM 4:22  
CHIEF CLERKS OFFICE

Chief Clerk LaDonna Castañuela  
Office of the 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 NO. 1447a

Dear Ms. Castañuela:

We are writing to express our opposition to the above referenced permit. The co-applicants, BFI Waste Systems of North America, Inc., and Giles Holdings, L.P. seek a seventy-five foot height expansion of their existing landfill located on Giles Road near the intersection with Blue Goose Road.

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mc

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Sincerely,



Kirk Watson  
State Senator  
Senate District 14



Mark Strama  
State Representative  
House District 50

cc: Chairman Kathleen Hartnett White  
Commissioner Larry R. Soward  
Commissioner H.S. Buddy Garcia  
Executive Director Glenn Shankle

MSW  
51757



TEXAS  
COMMISSION ON ENVIRONMENTAL QUALITY

JUL -2 10:52

CHIEF CLERKS OFFICE

OPA

JUL 02 2007

BY [Signature]

June 29, 2007

Chief Clerk LaDonna Castañuela  
Office of the 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 NO. 1447a

Dear Ms. Castañuela:

We are writing to express our opposition to the above referenced permit. The co-applicants, BFI Waste Systems of North America, Inc., and Giles Holdings, L.P. seek a seventy-five foot height expansion of their existing landfill located on Giles Road near the intersection with Blue Goose Road.

First, we request that you give every due consideration to the concerns raised by our constituents, members of the NorthEast Action Group and others who are directly affected by the pending application for expansion. The following issues are of particular concern to our constituents and to us:

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MW

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Thank you for your time. We appreciate the service you and your agency provide to our state. Please contact us if we can be of any assistance during this process.

Sincerely,



Kirk Watson  
State Senator  
Senate District 14



Mark Strama  
State Representative  
House District 50

cc: Chairman Kathleen Hartnett White  
Commissioner Larry R. Soward  
Commissioner H.S. Buddy Garcia  
Executive Director Glenn Shankle

# TCEQ Public Meeting Form

## 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: Mark Strama

Address: Box 2910

City/State: Austin, TX

Zip: 78768-2910

Phone: (512) 463-0821

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group?

Yes  No

If yes, which one? State legislator

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

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 3, 2007

The Honorable Kirk Watson  
State Senate, District 14  
P.O. Box 12068  
Austin, Texas 78711

The Honorable Mark Strama  
Texas House of Representatives, District 50  
P.O. Box 2910  
Austin, Texas 78768

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

Dear Senator Watson and Representative Strama:

I'm writing in response to your letter to the Texas Commission on Environmental Quality (TCEQ) expressing opposition to BFI's application to expand its landfill referenced above and requesting that I directly refer the application to the State Office of Administrative Hearings (SOAH).

I have decided not to directly refer the application to SOAH. The process for consideration of contested case hearing requests on this application is established under House Bill 801 (76th Legislature, 1999). Although the law does provide an opportunity for direct referral by the TCEQ, I feel it is important that the parties have the opportunity to present their arguments and allow the commissioners of the TCEQ to rule on the disputed issues that need to be resolved in a hearing and provide direction to SOAH on the maximum expected duration of the hearing.

The enclosed Response to Comments document addresses your comments and those of your constituents. The Response to Comments document has been mailed to commentors along with a letter explaining how they can request a contested case hearing on the application. You will be notified of the Commission's consideration of this application.

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

Sincerely,

A handwritten signature in black ink, appearing to read "G. Shankle".

Glenn Shankle  
Executive Director

Enclosure

CHIEF CLERKS OFFICE

2007 OCT -4 PM 2:48

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Handwritten initials in black ink, possibly "MS".

Senator Kirk Watson  
Representative Mark Strama  
Page 2

bcc: Patty Reeh, Director, Region 11, Austin  
LaDonna Castañuela, Chief Clerk, MC 105  
Jennifer Ahrens, Intergovernmental Relations, MC 119  
Arten Avakian, OPRR, Waste Permits Division, MC 124  
Steve Shepherd, OLS, Environmental Law Division, MC 173

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2007 OCT -4 PM 2:48

CHIEF CLERKS OFFICE

MSW  
51757

State of Texas  
House of Representatives



MARK STRAMA  
DISTRICT 50

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2007 APR 26 AM 10:00  
CHIEF CLERKS OFFICE

April 24, 2007

Permit 1447A

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

Dear Ms. Castañuela:

I represent the neighborhoods that surround the BFI Sunset Farms facility, which is seeking a vertical expansion. Many of my constituents are concerned about the impact of that landfill on their quality of life. As their representative, I am asking that you give the people who live, work, and go to school near the landfill every opportunity to voice their concerns and to have a dialogue with BFI and TCEQ on the matter.

I am writing to urge TCEQ to hold a public meeting to give my constituents an opportunity to hear from TCEQ and the applicant on their plans and to allow for formal public comment to be given at the public meeting.

Thank you for your consideration.

Sincerely,

Mark Strama  
State Representative, HD 50

OPA PM  
APR 26 2007  
BY     Z    

MSW

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 4, 2007

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2007 MAY - 7 AM 10:10  
CHIEF CLERKS OFFICE

The Honorable Mark Strama  
House of Representatives  
P. O. Box 2910  
Austin, Texas 78768

Dear Representative Strama:

I received your letter requesting that a public meeting be held to discuss BFI's Application No. 1447A for proposed vertical expansion of their Sunset Farms facility in Travis County.

Our Office of Public Assistance has scheduled the meeting for Thursday, May 24, 2007, at 7 p.m. in the Old Manor Middle School Cafeteria, 10323 U.S. Highway 290 E, Manor. A copy of the notice is enclosed for your information.

If you have questions, please contact me at 512.239.3900 or Bridget C. Bohac, in our Office of Public Assistance, at 1.800.687.4040.

Sincerely,

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle  
Executive Director

Enclosure

cc: Office of Public Assistance

*MS*

State of Texas  
House of Representatives



MARK STRAMA  
DISTRICT 50

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2007 APR 26 AM 10:00

CHIEF CLERKS OFFICE

RECEIVED BY OPA

TRACKING #

15460

ASSIGNED TO:

opa

April 24, 2007

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

APR 27 2007

DUE DATE:

5-4-07

Dear Ms. Castañuela:

I represent the neighborhoods that surround the BFI Sunset Farms facility, which is seeking a vertical expansion. Many of my constituents are concerned about the impact of that landfill on their quality of life. As their representative, I am asking that you give the people who live, work, and go to school near the landfill every opportunity to voice their concerns and to have a dialogue with BFI and TCEQ on the matter.

I am writing to urge TCEQ to hold a public meeting to give my constituents an opportunity to hear from TCEQ and the applicant on their plans and to allow for formal public comment to be given at the public meeting.

Thank you for your consideration.

Sincerely,

Mark Strama  
State Representative, HD 50

OPA PM

APR 26 2007

BY

CHIEF CLERKS OFFICE

2007 MAY -7 10:10

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 NOV -6 PM 2:38

CHIEF CLERKS OFFICE

*MSW*  
*31757*

# The Legislature State of Texas

RECEIVED BY OPA  
TRACKING # 15720  
ASSIGNED TO: OPC  
*cc OPA*

OPA

NOV 06 2007

NOV 05 2007

November 2, 2007

BY *KY*

DUE DATE: *fyr*

Chairman H. S. Buddy Garcia  
Texas Commission on Environmental Quality  
Mail Code MC-100  
P.O. Box 13087  
Austin, TX 78711-3087

Commissioner Larry Soward  
Texas Commission on Environmental Quality  
Mail Code MC-100  
P.O. Box 13087  
Austin, TX 78711-3087

Dear Chairman Garcia and Commissioner Soward:

As you may know, we previously submitted public comments on BFI Waste Systems of North America's application for expansion of the Sunset Farms Landfill (MSW Permit Application No. #1447A).

Our letter requested that the TCEQ Executive Director issue a direct referral to the State Office of Administrative Hearings for a contested case hearing. We received a response from Mr. Shankle outlining his decision not to issue a direct referral. A copy of Mr. Shankle's response is attached.

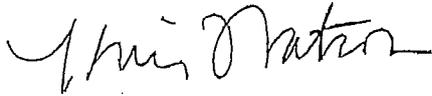
We understand the reasons for Mr. Shankle's decision not to issue a direct referral. That said, we want to take the opportunity to again express our desire to have the Commission refer this application to SOAH for consideration through the contested case process. Issues impacting this permit application are in dispute, and a number of our constituents are "affected persons" and intend to seek party status.

*MSW*

November 2, 2007  
Page Two

We appreciate your thoughtful consideration of this matter. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,



Kirk Watson  
State Senator  
Senate District 14



Mark Strama  
State Representative  
House District 50

Enclosure  
cc: Executive Director Glenn Shankle

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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 3, 2007

The Honorable Kirk Watson  
State Senate, District 14  
P.O. Box 12068  
Austin, Texas 78711

The Honorable Mark Strama  
Texas House of Representatives, District 50  
P.O. Box 2910  
Austin, Texas 78768

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

CHIEF CLERKS OFFICE

2007 NOV -6 PM 2:38

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Dear Senator Watson and Representative Strama:

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Sincerely,



Glenn Shankle  
Executive Director

Enclosure





KIRK WATSON  
STATE SENATOR  
DISTRICT 14

CAPITOL ADDRESS  
P.O. Box 12068  
ROOM E1.712  
AUSTIN, TEXAS 78711  
512/463-0114  
FAX 512/463-5949

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
COMMITTEES:  
TRANSPORTATION & HOMELAND SECURITY - VICE-CHAIR  
BUSINESS & COMMERCE  
JURISPRUDENCE  
NOMINATIONS  
SUBCOMMITTEE ON EMERGING TECHNOLOGIES  
& ECONOMIC DEVELOPMENT

JUN 17 PM 2:23  
CLERK'S OFFICE

MSW  
51757

OPA

JUN 28 2007

June 14, 2007

BY

Glenn Shankle, Executive Director  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Building F  
Austin, TX 78753

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ASSIGNED TO: OLS cc JHE

JUN 15 2007

DUE DATE: 6-22-07

Dear Mr. Shankle,

I am writing to request that you extend the comment period on the application by BFI and Allied Waste for a permit to expand their landfill on Giles Road in Travis County. The current comment period, which is currently set to close on June 18, greatly overlapped with the conclusion of the 80th Legislative Session, making it difficult for many interested stakeholders to devote appropriate attention to this significant permit application.

I am also concerned about critical information which still should be reviewed by the community, but has not yet been made available. Specifically, the neighborhoods around the landfill, as well as the region's local officials, need to explore BFI's assurances that the landfill will be permanently shuttered by 2015, and to ensure that the company can be held to that promise.

As you know, a great deal of work has gone into providing necessary comments and feedback to this permit application, with many stakeholders providing input about the comments that agencies and jurisdictions have prepared for you. I believe it is only fair that the TCEQ provide as much time as is needed for the public to offer all of the comment that this important issue demands.

Sincerely,

Kirk Watson

MSW

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 26, 2007

The Honorable Kirk Watson  
Texas Senate  
P.O. Box 12068  
Austin, Texas 78711

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

Dear Senator Watson:

I'm writing in response to your letter to the Texas Commission on Environmental Quality (TCEQ) requesting an extension of the comment period on an application by BFI and Allied Waste for expansion of their Sunset Farms facility in Travis County. The comment period was extended to June 29, 2007, which was conveyed to your office earlier this month. This extension of the comment period was also already conveyed to the Northeast Austin Action Group, the Texas Campaign for the Environment, and Ms. Mary Carter, attorney representing the protestants. The change in the comment period has also been posted on the TCEQ Chief Clerk's web page.

You also indicated a concern about the public's need for assurance that BFI will cease operations by 2015, a pledge made during the public meeting on May 24, 2007. The draft permit currently includes a special provision indicating a closure date based on agreements between the applicant and some interested parties. After the comment period closes, agency staff will prepare a Response to Comment which will include a description of any changes made to BFI's draft permit as a result of public comment.

If you have any additional questions, please contact me at (512) 239-3900 or Ms. Susan White or Mr. Steve Shepherd with our Environmental Law Division at (512) 239-0600.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Shankle".

Glenn Shankle  
Executive Director

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
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CHIEF CLERKS OFFICE

MW

The Honorable Kirk Watson

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bcc: Patty Reeh, Director, Region 11, Austin  
Susan White, MC 173  
Steve Shepherd, MC 173  
LaDonna Castañuela, MC 105  
Jennifer Ahrens, MC 119  
Arten Avakian, MC 124  
Casey Vise, MC 108  
Kathy Beyer, MC 108