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CHIEF CLERKS OFFICE

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

Attention: Agenda Docket Clerk

To Whom It May Concern:

RE: Application of BFI Waste Systems of North America, Inc., Permit No. MSW-1447A, and Response to Requests for Contested Case Hearing

Page 39 of The Applicant's Response to Requests for Hearing, states "the regulations prohibit the facility from creating a nuisance", and gives the Commission's regulatory definition of "nuisance" as "Municipal solid waste that is stored, processed, or disposed of in a manner that causes the pollution of the surrounding land, the contamination of groundwater or surface water, the breeding of insects or rodents, or the creation of odors adverse to human health, safety, or welfare." This facility should not get a permit to expand as there continue to be complaints for all of the items named above.

This landfill is no longer compatible with land use in the area. Residential areas are all around, and another subdivision (Stirling Bridge) is currently being developed within a mile of the landfill.

BFI claims the expansion is needed to replace the area it lost because it changed its "footprint". The area they "lost" has always been a wet area, and unsuitable for use as a trash dump. It was unproductive for growing crops when this land was farmed because the area was too wet. There is already a problem with surface water drainage, and an expansion would compound this problem.

The soil in the area is a type that contracts and expands, and large surface cracks appear when the soil dries out. When heavy rains come, it causes erosion that has been observed in the surface of the current landfill, and can only be worsened, as the slope of the landfill gets higher. Groundwater currently runs off the landfill property into adjacent properties. Drainage will be significantly altered by an expansion. Slope stability will be a problem and should be considered.

BFI's legal counsel states "property values are not relevant and material to the decision on this application". Property values in the area are most assuredly affected by a working landfill. Who will purchase a piece of property directly across from a landfill that has repeatedly gotten bad press, and has a history of non-compliance? Everyone considers the "neighbors", whether it be for a house or a business, before purchasing a piece of property, and this neighbor certainly affects property value. (I refer again to the paragraph above concerning being a "nuisance".)

I disagree with statements from the report that only persons within one mile of the landfill can be considered as being an "affected" persons, as I have repeatedly observed strong odors from the landfill as I travel

Parmer Lane from the area of Dessau Road to Toll Road 130 when the winds are from the south. I also am of the opinion that some of the persons out of the one mile area have children attending Bluebonnet Elementary School, and the day care center at Harris Branch. These children are growing up next to a trash dump, and will forever remember the pungent odors that kept them inside instead of outside in the playyard during their breaks, and will remember seeing the trash heaps and the trucks and equipment used by BFI, instead of remembering a serene scene in the country. These children's welfare should be top priority when considering whether to permit this expansion.

Whether the application meets TCEQ's criteria for approval is not the only basis that should be considered for approval. The health and welfare of the general public around this landfill now and in future generations, and the fact that this mountain of trash does not fit in with the general landscape in the area should also be factors. This eyesore is visible from many areas now (Elgin and Toll Road 130 for example) and will be more so as the height increases.

Thank You,


Evelyn Remmert
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