

MSW/3
55523

of Aminta
Paul & A Yeasley
PO BOX 92, Box 4011 Riverview
San Ygnacio TX 78076

OPA
H
BY BP

April 26, 2008

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

RE: Notice of Application for an Amendment to TCEQ Municipal Solid Waste
Permit Number 783; Applicant Zapata County, Texas; San Ygnacio Landfill

CHIEF CLERKS OFFICE

2008 APR 30 PM 4: 25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing regarding
Municipal Solid Waste Permit No. 783 Amendment Application by Zapata County,
Texas ("Applicant") for the San Ygnacio Landfill.

I live in Zapata County and own property ("Property") within 1 1/4 miles of
the San Ygnacio Landfill ("Landfill") which will likely be negatively impacted if the
Amendment is granted due to the various human health and environmental impacts and
other concerns listed below, which makes me an affected person under TCEQ rules. I
have the following concerns:

Human Health and Environmental Impacts

- o **Control of Disease Vectors** – I believe that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors.
- o **Site Access and Traffic Concerns** – I am concerned that the Application lacks necessary information regarding transportation and site access, which puts human health and safety at risk.
- o **Special and Prohibited Wastes** – I am concerned that the Applicant may not be able to maintain sufficient training, documentation, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled.
- o **Gas Monitoring** – I am concerned that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against

MW

- **Landfill Cover** - Given the Appellant's compliance history, I also have concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner.
- **Fire** - I am concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment.
- **Water Quality and Water Run-off** - I am concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill.

Appellant's Compliance History

- 1 I have concerns regarding the Applicant's ability to operate and maintain the Landfill in a manner that is protective of human health and the environment due to the Applicant's compliance history.

Migration of Landfill Debris and Windblown Litter

- 2 I have had repeated problems due to the migration of debris and windblown litter from the Landfill onto my Property, which creates unhealthy, unsafe, and unsightly conditions and forces me to collect and dispose of the litter myself.

Odor Impacts

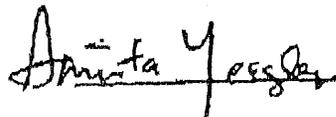
- 3 I believe that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions.

Visual Screening of Waste Material

- 4 The Landfill is visible from my Property and creates an unpleasant and unsightly view. Current visual screening mechanisms are not adequate, and if the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be aggravated.

The Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements imposed by TCEQ. I am an affected person and request a contested case hearing on Proposed MSW Permit No. 783.

Sincerely,



Jorge y Marina

María Valdez

4085 N US HWY (San Ygnacio Viejo)

MSW/ 55523

H OPA
APR 30 2008
BY BP

April 26, 2008

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

RE: Notice of Application for an Amendment to TCEQ Municipal Solid Waste Permit Number 783; Applicant Zapata County, Texas; San Ygnacio Landfill

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing regarding Municipal Solid Waste Permit No. 783 Amendment Application by Zapata County, Texas ("Applicant") for the San Ygnacio Landfill.

I live in Zapata County and own property ("Property") within 1/4 miles of the San Ygnacio Landfill ("Landfill") which will likely be negatively impacted if the Amendment is granted due to the various human health and environmental impacts and other concerns listed below, which makes me an affected person under TCEQ rules. I have the following concerns:

Human Health and Environmental Impacts

- o **Control of Disease Vectors** – I believe that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors.
- o **Site Access and Traffic Concerns** – I am concerned that the Application lacks necessary information regarding transportation and site access, which puts human health and safety at risk.
- o **Special and Prohibited Wastes** – I am concerned that the Applicant may not be able to maintain sufficient training, documentation, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled.
- o **Gas Monitoring** – I am concerned that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against

CHIEF CLERKS OFFICE

2008 APR 30 PM 4:25

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MW

harmful or explosive gas.

- o **Landfill Cover** - Given the Applicant's compliance history, I also have concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner.
- o **Fire** - I am concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment.
- o **Water Quality and Water Run-off** - I am concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill.

Applicant's Compliance History

- 1 I have concerns regarding the Applicant's ability to operate and maintain the Landfill in a manner that is protective of human health and the environment due to the Applicant's compliance history.

Migration of Landfill Debris and Windblown Litter

- 2 I have had repeated problems due to the migration of debris and windblown litter from the Landfill onto my Property, which creates unhealthy, unsafe, and unsightly conditions and forces me to collect and dispose of the litter myself.

Odor Impacts

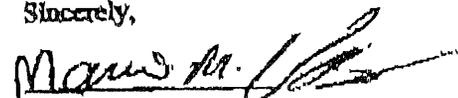
- 3 I believe that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions.

Visual Screening of Waste Material

- 4 The Landfill is visible from my Property and creates an unpleasant and unsightly view. Current visual screening mechanisms are not adequate, and if the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be aggravated.

The Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements imposed by TCEQ. I am an affected person and request a contested case hearing on Proposed MSW Permit No. 783.

Sincerely,



Orlando + Erika Villanar
PO Box 312
San Ygnacio TX
75470 HWY 83

MSW
55523

OPA

H [unclear]

BY BP

April 26, 2008

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

RE: Notice of Application for an Amendment to TCEQ Municipal Solid Waste
Permit Number 783; Applicant Zapata County, Texas; San Ygnacio Landfill

CHIEF CLERKS OFFICE

2008 APR 30 PM 4:25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing regarding
Municipal Solid Waste Permit No. 783 Amendment Application by Zapata County,
Texas ("Applicant") for the San Ygnacio Landfill.

I live in Zapata County and own property ("Property") within 1 miles of
the San Ygnacio Landfill ("Landfill") which will likely be negatively impacted if the
Amendment is granted due to the various human health and environmental impacts and
other concerns listed below, which makes me an affected person under TCEQ rules. I
have the following concerns:

Human Health and Environmental Impacts

- o **Control of Disease Vectors** - I believe that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors.
- o **Site Access and Traffic Concerns** - I am concerned that the Application lacks necessary information regarding transportation and site access, which puts human health and safety at risk.
- o **Special and Prohibited Wastes** - I am concerned that the Applicant may not be able to maintain sufficient training, documentation, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled.
- o **Gas Monitoring** - I am concerned that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against

mw

harmful or explosive gas.

- **Landfill Cover** – Given the Appellant's compliance history, I also have concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner.
- **Fire** – I am concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment.
- **Water Quality and Water Run-off** – I am concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill.

Applicant's Compliance History

- 1 I have concerns regarding the Applicant's ability to operate and maintain the Landfill in a manner that is protective of human health and the environment due to the Applicant's compliance history.

Migration of Landfill Debris and Windblown Litter

- 2 I have had repeated problems due to the migration of debris and windblown litter from the Landfill onto my Property, which creates unhealthy, unsafe, and unsightly conditions and forces me to collect and dispose of the litter myself.

Odor Impacts

- 3 I believe that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions.

Visual Screening of Waste Material

- 4 The Landfill is visible from my Property and creates an unpleasant and unsightly view. Current visual screening mechanisms are not adequate, and if the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be aggravated.

The Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements imposed by TCEQ. I am an affected person and request a contested case hearing on Proposed MSW Permit No. 783.

Sincerely,



Sam Susana Roche
101 Armadillo Hwy 83

MSW
55523

H OPA
MAY 01 2008
BY BP

April 26, 2008

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

2008 APR 30 PM 4:25
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application for an Amendment to TCEQ Municipal Solid Waste Permit Number 783; Applicant Zapata County, Texas; San Ygnacio Landfill

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing regarding Municipal Solid Waste Permit No. 783 Amendment Application by Zapata County, Texas ("Applicant") for the San Ygnacio Landfill.

I live in Zapata County and own property ("Property") within 1/4 miles of the San Ygnacio Landfill ("Landfill") which will likely be negatively impacted if the Amendment is granted due to the various human health and environmental impacts and other concerns listed below, which makes me an affected person under TCEQ rules. I have the following concerns:

Human Health and Environmental Impacts

- o **Control of Disease Vectors** – I believe that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors.
- o **Site Access and Traffic Concerns** – I am concerned that the Application lacks necessary information regarding transportation and site access, which puts human health and safety at risk.
- o **Special and Prohibited Wastes** – I am concerned that the Applicant may not be able to maintain sufficient training, documentation, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled.
- o **Gas Monitoring** – I am concerned that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against

MSW

harmful or explosive gas.

- **Landfill Cover** - Given the Appellant's compliance history, I also have concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner.
- **Fire** - I am concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment.
- **Water Quality and Water Run-off** - I am concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill.

Applicant's Compliance History

- 1 I have concerns regarding the Applicant's ability to operate and maintain the Landfill in a manner that is protective of human health and the environment due to the Applicant's compliance history.

Migration of Landfill Debris and Windblown Litter

- 2 I have had repeated problems due to the migration of debris and windblown litter from the Landfill onto my Property, which creates unhealthy, unsafe, and unsightly conditions and forces me to collect and dispose of the litter myself.

Odor Impacts

- 3 I believe that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions.

Visual Screening of Waste Material

- 4 The Landfill is visible from my Property and creates an unpleasant and unsightly view. Current visual screening mechanisms are not adequate, and if the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be aggravated.

The Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements imposed by TCEQ. I am an affected person and request a contested case hearing on Proposed MSW Permit No. 783.

Sincerely,

San Juanita Rocha

Gerardo Paredes
4009 N. US. 93
San Ygnacio 78067

MSW
55503

H OPA
MAY 0 2 2008
BY BP

April 26, 2008

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

CHIEF CLERKS OFFICE

2008 APR 30 PM 4:25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application for an Amendment to TCEQ Municipal Solid Waste Permit Number 783; Applicant Zapata County, Texas; San Ygnacio Landfill

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing regarding Municipal Solid Waste Permit No. 783 Amendment Application by Zapata County, Texas ("Applicant") for the San Ygnacio Landfill.

I live in Zapata County and own property ("Property") within 2 miles of the San Ygnacio Landfill ("Landfill") which will likely be negatively impacted if the Amendment is granted due to the various human health and environmental impacts and other concerns listed below, which makes me an affected person under TCEQ rules. I have the following concerns:

Human Health and Environmental Impacts

- **Control of Disease Vectors** – I believe that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors.
- **Site Access and Traffic Concerns** – I am concerned that the Application lacks necessary information regarding transportation and site access, which puts human health and safety is at risk.
- **Special and Prohibited Wastes** – I am concerned that the Applicant may not be able to maintain sufficient training, documentation, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled.
- **Gas Monitoring** – I am concerned that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against

me

harmful or explosive gas.

- o **Landfill Cover** – Given the Appellant's compliance history, I also have concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner.
- o **Fire** – I am concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment.
- o **Water Quality and Water Run-off** – I am concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill.

Applicant's Compliance History

- 1 I have concerns regarding the Applicant's ability to operate and maintain the Landfill in a manner that is protective of human health and the environment due to the Applicant's compliance history.

Migration of Landfill Debris and Windblown Litter

- 2 I have had repeated problems due to the migration of debris and windblown litter from the Landfill onto my Property, which creates unhealthy, unsafe, and unsightly conditions and forces me to collect and dispose of the litter myself.

Odor Impacts

- 3 I believe that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions.

Visual Screening of Waste Material

- 4 The Landfill is visible from my Property and creates an unpleasant and unsightly view. Current visual screening mechanisms are not adequate, and if the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be aggravated.

The Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements imposed by TCEQ. I am an affected person and request a contested case hearing on Proposed MSW Permit No. 783.

Sincerely,

Blair A. Prody

Brenda J. Jansz
4165 N. Hwy 83
755-8588

MSW
55523

April 26, 2008

OPA
H MAY 8 1 2008
BY BP

CHIEF CLERKS OFFICE

2008 APR 30 PM 4: 25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

RE: Notice of Application for an Amendment to TCEQ Municipal Solid Waste Permit Number 783; Applicant Zapata County, Texas; San Ygnacio Landfill

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing regarding Municipal Solid Waste Permit No. 783 Amendment Application by Zapata County, Texas ("Applicant") for the San Ygnacio Landfill.

I own property ("Property") adjacent to the San Ygnacio Landfill ("Landfill") which will likely be negatively impacted if the Amendment is granted due to the various human health and environmental impacts and other concerns listed below, which makes me an affected person under TCEQ rules. I have the following concerns:

Human Health and Environmental Impacts

- **Control of Disease Vectors** – I believe that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors.
- **Site Access and Traffic Concerns** – I am concerned that the Application lacks necessary information regarding transportation and site access, which puts human health and safety at risk.
- **Special and Prohibited Wastes** – I am concerned that the Applicant may not be able to maintain sufficient training, documentation, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled.
- **Gas Monitoring** – I am concerned that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against harmful or explosive gas.

MW

- **Landfill Cover** – Given the Appellant's compliance history, I also have concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner.
- **Fire** – I am concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment.
- **Water Quality and Water Run-off** – I am concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill.

Applicant's Compliance History

- 1 I have concerns regarding the Applicant's ability to operate and maintain the Landfill in a manner that is protective of human health and the environment due to the Applicant's compliance history.

Migration of Landfill Debris and Windblown Litter

- 2 I have had repeated problems due to the migration of debris and windblown litter from the Landfill onto my Property, which creates unhealthy, unsafe, and unsightly conditions and forces me to collect and dispose of the litter myself.

Odor Impacts

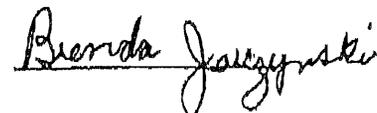
- 3 I believe that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions.

Visual Screening of Waste Material

- 4 The Landfill is visible from my Property and creates an unpleasant and unsightly view. Current visual screening mechanisms are not adequate, and if the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be aggravated.

The Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements imposed by TCEQ. I am an affected person and request a contested case hearing on Proposed MSW Permit No. 783.

Sincerely,



DEDICATION

STATE OF TEXAS §

707 JUL 30 AM 10: 29

COUNTY OF ZAPATA §

CHIEF CLERKS OFFICE

Deed made the 9th day of ^{August} ~~July~~, 1999, between VICTOR GONZALEZ, JR. AND HILDA P. GONZALEZ, of 1910 Corpus Christi Street, Laredo, Texas, referred to as dedicator, and the County of Zapata, State of Texas, acting by and through DAVID MORALES, its County Judge, referred to as transferee.

Dedicator by this instrument gifts, dedicates, releases, remises, and quitclaims to transferee, to have and to hold for the public use forever, for park purposes or open parklike field space, subject to the conditions herein provided, all that certain land described as follows:

THE SURFACE ONLY OF a tract of land out of Share 8, Jose Borrego Grant, recorded in Volume 9, Pages 45-60, Zapata County Property Records, containing ten(10) acres of land, more or less, described as follows:
BEGINNING at a chain link fence corner in the northwest corner of Share 8, Primitivo Uribe tract; THENCE south along a chain link fence, 380 feet, along the west line of said tract; THENCE east, along a chain link fence, 1,147 feet, parallel to the north line of the said tract; THENCE north, along a chain link fence, 380 feet, to the north line of the said tract; THENCE west, along a chain link fence, 1,147 feet, along the north line to the northwest corner of the said tract, and place of beginning and containing ten(10) acres of land, more or less.

The land described in this instrument is subject to the following conditions:

1. Transferee shall use the property solely for operating a Solid Disposal Site classified as a Type II Landfill Site by the Texas Department of Health and after ceasing such operation, then for park purposes or open parklike space.

2. Transferee shall maintain the property in a clean, sanitary, and safe condition.
3. Transferee shall suitably landscape the property and maintain such landscaping, after landfill operations cease.
4. Transferee shall not permit any hazardous and/or toxic substances to be stored on and/or transported through the property described in this instrument, save and except such materials and/or substances which shall have been legally placed on the property while the property was used as a landfill.

Transferee, by accepting this dedication, obligates itself to forever preserve and use the above-described land for the purpose listed above, and no other.

It is expressly understood and agreed that this instrument shall become effective immediately upon acceptance by transferee, and that certain lease between Victor Gonzalez and Hilda P. Gonzalez and the County of Zapata, Texas, dated July 7, 1999, shall immediately terminate and be of no further force or effect.

If any part of the property dedicated in this instrument is not used and maintained for park purposes as mentioned above, or if any part ceases to be used and maintained for park purposes, or if any part be used for any other purpose then Zapata County shall pay VICTOR GONZALEZ, JR. AND HILDA P. GONZALEZ, their successors and assigns, an amount of *ONE HUNDRED ~~20~~ \$125,000.00* Twenty Five Thousand and No/100th (~~\$25,000.00~~) Dollars as a liquidated sum for a breach hereof, and thereafter Zapata County may use the property for its own intent.

This conveyance is made further subject to any and all restrictions, easements, reservations, and all other matters affecting the subject property filed of record with the Zapata County Clerk as of this date.

EXECUTED on the above mentioned date.

[Signature]
VICTOR GONZALEZ, JR.

[Signature]
HILDA P. GONZALEZ

ACCEPTED:

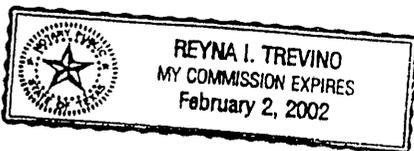
COUNTY OF ZAPATA, TEXAS

BY: *[Signature]*
DAVID MORALES, COUNTY JUDGE

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument was acknowledged before me on the 14th day of July, 1999, by VICTOR GONZALEZ, JR. AND HILDA P. GONZALEZ.



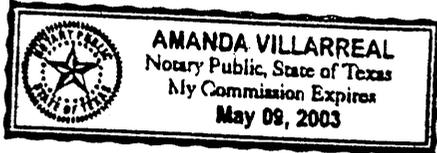
[Signature]
Notary Public, State of Texas

[Handwritten initials]

STATE OF TEXAS §

COUNTY OF ZAPATA §

This instrument was acknowledged before me on the 9th day of ^{Aug.} ~~July~~, 1999, by David Morales, as County Judge of the County of Zapata, Texas on behalf of the County of Zapata, Texas .



Amanda Villarreal
Notary Public, State of Texas

A handwritten signature or set of initials in the bottom right corner of the page, appearing to be "MJ" followed by a flourish.

Victor Gonzalez, Jr.
9627 Jason Bend
Helotes, TX 78023
210-854-7646
210-695-1096 fax

October 9, 2006

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

RE: Permit no. 783A

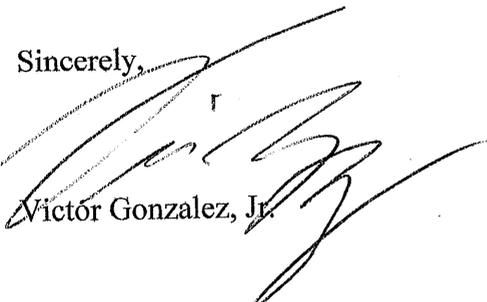
Dear Chief Clerk,

I am in receipt of your letter announcing an application for a Municipal Solid Waste Permit amendment. I own 112 acres immediately adjacent and southeast of the proposed area. This property is currently being leased for livestock grazing, however, I have a master plan community of 62 homes, including commercial areas which are pending to be recorded in the near future once the existing land fill is officially closed.

This solid waste facility, if approved, will virtually destroy my planned community and will cause great financial loss for me and my family. The County Judge and commissioners court back in about 1996 approved the gift of the existing 10 acre landfill area but also agreed that once closed that Zapata County would create an open park out of this area. We have been waiting for the open park since this landfill began initiating closure. Furthermore, Zapata County has failed in several occasions in the operations of this landfill as reflected by your own records.

Please place me on your permanent mailing list. Also, I am requesting that this case be contested and that I be included in the group of those who contest it.

Sincerely,


Victor Gonzalez, Jr.

Handwritten: 02/20/06
C/S

OPA Dept
OCT 23 2006
BY *g*

TELEPHONE
COMMUNICATIONS
ON ENVIROMENTAL
OCT 23 10 08 29
CHIEF CLERK'S OFFICE

Handwritten: BG

MSW
55523

H OPA

JUL 28 2008

KELLY HART & HALLMAN LLP

301 CONGRESS AVENUE, SUITE 2000
AUSTIN, TEXAS 78701

BY BP

Telephone: (512) 495-6400
Telecopy: (512) 495-6605
Writer's Direct Dial: (512) 495-6405
Email Address: monica.jacobs@khh.com

201 Main Street, Suite 2500
Fort Worth, Texas 76102
1000 Louisiana, Suite 4700
Houston, Texas 77002

July 25, 2008

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

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
CHIEF CLERKS OFFICE
JUL 25 PM 4:21

783A

RE: Notice of Application for an Amendment to TCEQ Municipal Solid Waste Permit
Number 783; Applicant Zapata County, Texas; San Ygnacio Landfill

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing on behalf of Victor Gonzalez, Jr. regarding Municipal Solid Waste ("MSW") Permit No. 783 Amendment Application ("Application" or "Amendment Application") by Zapata County, Texas ("Applicant") for the San Ygnacio Landfill. This request is sent pursuant to the Executive Director's Amended Response to Public Comments ("Response to Comments"), filed on June 19, 2008. Mr. Gonzalez does not believe his concerns have been adequate addressed by the TCEQ in the Response to Comments and by this letter reasserts his concerns and his request for a contested case hearing.

Official communications and documents regarding this request may be sent to Mr. Gonzalez's legal representatives:

Monica Jacobs
Kelly Hart & Hallman LLP
301 Congress Avenue, Suite 2000
Austin, TX 78701
512-495-6405 telephone
512-495-6605 FAX
monica.jacobs@khh.com

Holly Vandrovec
Kelly Hart & Hallman LLP
301 Congress Avenue, Suite 2000
Austin, TX 78701
512-495-6430 telephone
512-495-6606 FAX
holly.vandrovec@khh.com

Mr. Gonzalez owns property ("Property") immediately adjacent to the San Ygnacio Landfill ("Landfill"). More specifically, the Property is located directly to the south and west of the Landfill. The Property is currently being used for agricultural purposes and grazing of livestock. Under 30 TAC § 55.203 an "affected person" is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by an application. Mr. Gonzalez is an affected person with respect to the Amendment Application based on the fact that he owns property immediately adjacent to the Landfill that will be

mw

adversely affected by its expansion and based on relevant and material disputed issues of fact that include the following:¹

Impacts to Property and Business Interests (Response 1)

- The Property and business interests described above and that are located immediately adjacent to the Landfill will likely be negatively impacted, both economically and environmentally, if the Amendment is granted. The ED's Response to Comment 1 notes that the municipal solid waste rules do not explicitly address the consideration of potential negative impacts to property values, but do address human health and the environment. Granting the Application will likely result in negative impacts to human health and the environment. Those impacts, in turn, will have direct economic consequences because those impacts will adversely affect how Mr. Gonzalez may utilize his Property located adjacent to the Landfill. Specific concerns (addressed in detail below) regarding the negative impacts of the Landfill and its expansion on human health and welfare and the environment include:
 - **Control of Disease Vectors**
 - **Site Access and Traffic Concerns**
 - **Special and Prohibited Wastes**
 - **Gas Monitoring**
 - **Leachate and Gas Condensate**
 - **Landfill Cover**
 - **Closure and Post-Closure Plans**
 - **Financial Assurance**
 - **Qualified Personnel**
 - **Protections Against Fire**
 - **Water Quality and Water Run-off**

Applicant's Compliance History (Response 2)

- The Applicant's compliance history remains a concern for Mr. Gonzalez. Mr. Gonzalez believes this issue should be fully explored and offered into evidence at a public hearing. The Response to Comments lists six violations that have occurred during the five-year compliance period. In addition to these violations, Mr. Gonzalez notes that the Applicant did not adequately prepare for the disposal of municipal wastes from the County. Instead, the Applicant was forced to apply for a Minor Permit for Temporary Overfill Authorization in March of 2006 and has been disposing of waste into the Landfill in excess of those amounts originally permitted ever since. The Response to Comments fails to demonstrate why an applicant that cannot adequately plan for the needs of the community should be allowed to not only to continue disposing of wastes

¹ Those issues discussed in the Executive Director's Response to Comments are noted by the response number in parenthesis.

for *over two years* under a temporary overfill authorization, but also to be able to expand the landfill, which it will be responsible for operating for decades to come.

Migration of Landfill Debris and Windblown Litter (Response 3)

- Mr. Gonzalez has had repeated problems due to the migration of debris and windblown litter from the Landfill onto his Property. The presence of such litter on Mr. Gonzalez's Property creates unhealthy, unsafe, and unsightly conditions and forces Mr. Gonzalez to collect and dispose of the litter himself. Mr. Gonzalez does not believe the current Landfill is operated in a manner to control windblown solid waste and believes this problem will be exacerbated by the expansion of the Landfill if the Application is granted. Although the Response to Comments cites to methods of controlling the migration of debris and litter in the Site Operating Plan ("SOP"), Mr. Gonzalez does not believe these methods have actually been implemented in the past and does not believe they will be successful if the Application is granted.

Odor Impacts (Response 4)

- Odor issues associated with the Landfill's expansion are a major concern to Mr. Gonzalez. Mr. Gonzalez believes that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions. Although the Response to Comments lists methods of controlling odors, Mr. Gonzalez does not believe such methods have been successfully implemented in the past and likewise will not be successfully implemented if the Application is granted.

Visual Screening of Waste Material (Response 5)

- The Landfill is visible from the Property and creates an unpleasant and unsightly view which, in turn, diminishes Mr. Gonzalez's use and enjoyment of his Property. Mr. Gonzalez believes that the current visual screening mechanisms are not adequate. If the Application is granted, the lateral expansion allows for an above-grade aerial fill to an elevation of approximately 435 feet above mean sea level for an additional 20 acres. If the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be significantly aggravated. The Response to Comments points to provisions in the SOP that are intended to minimize visibility, such as the construction of screening berms; however, Mr. Gonzalez believes that the Applicant's failure to fully comply with current permit requirements and adequately plan for disposal of the community's waste demonstrates its inability to comply with the additional requirements that would be imposed if the Application is granted.

Control of Disease Vectors (Response 7)

- Mr. Gonzalez believes that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors. Specifically, Mr. Gonzalez believes that the chain link fence noted in the Application will not adequately protect the Property from disease vectors. A more protective barrier is needed. The Executive Director's Response to Comments again points to the SOP for procedures that are intended to mitigate the effects of the landfill; however, Mr. Gonzalez does not believe these measures have been or will be adequate to ensure protection of human health and the environment.

Site Access and Traffic Concerns (Response 8)

- Mr. Gonzalez is concerned that the Application is deficient in providing necessary information regarding transportation and site access.
- Although the Response to Comments states that the Applicant has demonstrated coordination with TxDOT – this coordination, by itself, does not demonstrate compliance with the requirement that the Applicant provide data on the availability and adequacy of roads intended to be used to access the Landfill, including the Applicant's right to use the access route. Applicant has provided only conclusory statements referring to the roads as "rural" and stating that it does not expect traffic volumes to significantly increase. In addition, Applicant has failed to demonstrate that it even has the right to use the access road that lies closest to the Landfill. The Response to Comments does not address these issues.

Control of Dust (Response 9)

- Given the above issues related to site access and traffic, Mr. Gonzalez also has concerns regarding whether the Applicant adequately provides for the control of dust that will be generated by the additional traffic and activity at the Landfill. The Response to Comments points to a requirement that "a water source ... or other means of dust control approved by the TCEQ will be provided." This statement makes it clear that the Applicant is not actually required to have or maintain a water source or other specific control mechanism at the Landfill to respond to situations where such equipment would be necessary.

Special and Prohibited Wastes (Response 10)

- Mr. Gonzalez is concerned that the Applicant may not be able to maintain sufficient training, documentation, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled. In addition, Mr. Gonzalez is concerned that the volume of waste – as indicated in the application – may exceed the amount allowed by applicable regulations. Although the Response to Comments points to various provisions in the SOP, Mr.

Gonzalez believes that the Applicant's history of failing to plan for the necessary disposal of waste shows that the Applicant will not be able to implement adequate measures for controlling the amount and types of waste that would enter the Landfill if the Application were granted.

Qualified Personnel (Response 11)

- Mr. Gonzalez is concerned that the Applicant may not be able to maintain personnel with minimum qualifications for each category of key personnel to be employed at the Landfill sufficient to be protective of human health and the environment. As stated above, Mr. Gonzalez believes that the Applicant's failure to plan for the limitations of the Landfill in the past show that its personnel are not fit to continue to do so and that this issue is exacerbated by the additional measures that would be required under the current Application.

Leachate and Gas Condensate, Monitoring and Remediation (Response 12) & Water Quality and Water Run-off (Response 13)

- Mr. Gonzalez is concerned that the Applicant may not be able to properly manage leachate or gas condensate in a way that is protective of human health and the environment and that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against harmful or explosive gas. Mr. Gonzalez is also concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill. The Response to Comments notes that because the Landfill at issue is classified as an Arid Exempt landfill, the Applicant is not required to comply with provisions that would otherwise be applicable – including the construction of a liner, certain groundwater monitoring and corrective action measures, and more frequent monitoring of methane gas. It is this lack of protective measures otherwise applied to most other landfills that concerns Mr. Gonzalez.
- Additionally, Mr. Gonzalez is concerned that the existing groundwater at and in the vicinity of the site has not been adequately characterized. Although the Response to Comments states that the Application “provides the groundwater characterization data required” by the rules, it does not state that this information is correct or that the groundwater was indeed adequately characterized as a result of that data.

Landfill Cover (Response 14)

- Given the Appellant's compliance history, Mr. Gonzalez also has concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner. The Response to Comments fails to address Mr. Gonzalez's concerns regarding landfill cover. Because the Applicant has been unable to meet the current requirements for landfill

cover, Mr. Gonzalez does not believe that the additional requirements identified will be utilized at all or utilized effectively by the Applicant.

Closure and Post-Closure Plans (Response 15) & Financial Assurance (Response 16)

- Mr. Gonzalez is concerned that the Applicant's closure and post-closure plans may not adequately protect human health and the environment after the Landfill has closed. Although the Response to Comments cites to measures stated in the Post Closure Plan, Mr. Gonzalez does not believe that the Applicant will be able to comply with these measures because the it has not been able to properly maintain and operate the Landfill thus far. In addition, the Applicant's estimated cost of closure (\$327, 500) seems inadequate to provide for the activities required during the 30-year post-closure care period. Assuming this estimate is lower than the actual cost of post-closure activities, the Applicant may not be able to meet the financial assurance requirements for the true cost of closure. The Responses to Comments on the cost and financial assurance issues are not adequate to show that these requirements have been met.

Protections Against Fire (Response 17)

- Mr. Gonzalez is concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment. Despite the measures cited in the Response to Comments that are intended to mitigate against the risk of fire, Mr. Gonzalez believes that these measures are not adequate to protect human health and the environment given the arid conditions at the Landfill site.

In short, the Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements contained in 30 TAC Chapter 330, and the Response to Comments does not adequately address Mr. Gonzalez's concerns. Mr. Gonzalez is an affected person and requests a contested case hearing on Proposed MSW Permit No. 783. If all of Mr. Gonzalez's concerns were addressed in a manner that assured him that all applicable regulatory requirements were being met and that Mr. Gonzalez's Property interests would be protected, Mr. Gonzalez would consider withdrawing his request for hearing.

Sincerely,



Monica Jacobs
State Bar No. 24007433
Holly Vandrovec
State Bar No. 24049212
Kelly Hart & Hallman LLP
301 Congress Ave., Suite 2000
Austin, TX 78701

Telephone: (512) 495-6405
Facsimile: (512) 495-6605
Attorneys for Victor Gonzalez, Jr.

cc: FOR THE APPLICANT:

The Honorable Rosalva Guerra
Zapata County Judge
PO Box 99
Zapata, TX 78076

Raul H. Garcia, P.E.
Garcia and Wright Consulting Engineers, Inc.
407 West Rhapsody
San Antonio, TX 78216

FOR THE EXECUTIVE DIRECTOR:

Shana Horton, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
PO Box 13087
Austin, TX 78711

Mario Perez, Sr., Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division
MSW Permits Section MC-124
PO Box 13087
Austin, TX 78711

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
PO Box 13087
Austin, TX 78711

FOR OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
PO Box 13087
Austin, TX 78711

MSW
55523

KELLY HART & HALLMAN LLP

301 CONGRESS AVENUE, SUITE 2000
AUSTIN, TEXAS 78701

Telephone: (512) 495-6400
Telecopy: (512) 495-6605
Writer's Direct Dial: (512) 495-6405
Email Address: monica.jacobs@khh.com

H OPA
NOV 05 2007
BY KY

201 Main Street, Suite 2500
Fort Worth, Texas 76102
1000 Louisiana, Suite 4700
Houston, Texas 77002

November 2, 2007

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

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 NOV - 2 PM 4: 33
CHIEF CLERKS OFFICE

RE: Notice of Application and Preliminary Decision for an Amendment to TCEQ
Municipal Solid Waste Permit Number 783; Applicant Zapata County, Texas; San
Ygnacio Landfill

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing regarding Municipal Solid Waste ("MSW") Permit No. 783 Amendment Application ("Application" or "Amendment Application") by Zapata County, Texas ("Applicant") for the San Ygnacio Landfill. This request is on behalf of:

Victor Gonzalez, Jr.
9627 Jason Bend
Helotes, TX 78023
210-854-7646 telephone
210-695-1096 FAX

Official communications and documents regarding this request may be sent to Mr. Gonzalez's legal representatives:

Monica Jacobs
Kelly Hart & Hallman LLP
301 Congress Avenue, Suite 2000
Austin, TX 78701
512-495-6405 telephone
512-495-6605 FAX
monica.jacobs@khh.com

Holly Vandrovec
Kelly Hart & Hallman LLP
301 Congress Avenue, Suite 2000
Austin, TX 78701
512-495-6430 telephone
512-495-6606 FAX
holly.vandrovec@khh.com

Mr. Gonzalez owns property ("Property") immediately adjacent to the San Ygnacio Landfill ("Landfill"). More specifically, the Property is located directly to the south and west of the Landfill. The Property is currently being used for agricultural purposes and grazing of livestock. Under 30 TAC § 55.203 an "affected person" is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by an

Mu

application. Mr. Gonzalez is an affected person with respect to the Amendment Application based on the fact that he owns property immediately adjacent to the Landfill that will be adversely affected by its expansion and based on relevant and material disputed issues of fact that include the following:¹

Insufficient and Conflicting Notice

- The notices published regarding the Receipt of Application and Intent to Obtain Municipal Solid Waste Permit Amendment, published on October 19, 2006, (the "October 2006 Notice") and the Application for Preliminary Decision For a Municipal Solid Waste Permit, published on July 5, 2007, (the "July 2007 Notice") are inconsistent with each other and conflict with the Executive Director's ("ED's") Response to Public Comment.
- The October 2006 Notice states that Zapata County has applied for a "Type IAE and IVAE Municipal Solid Waste permit amendment requesting a *lateral expansion* to add 20 acres to the existing site, and *expanding the Type IAE area for disposal of Type IV waste.*" However, the July 2007 Notice states that Zapata County has applied "for a *permit to authorize a Type I municipal solid waste landfill facility* that would be authorized to accept municipal solid waste...The proposed site is a 30 acre facility." Although the October 2006 Notice mentions an expansion of an existing facility and the disposal of Type IV waste, the July 2007 Notice appears to be a permit for a new facility rather than an expansion and makes no mention of the Type IV waste that will be disposed of at the facility. These inconsistent notices served not to inform the public, but to confuse the public.
- Further, neither Notice mentions a vertical expansion of the Landfill; however, the ED's Response to Public Comment states on page 2 that the Application "requests an amendment to the existing permit to expand the landfill *vertically* and laterally."
- Consequently, it is difficult for affected persons such as Mr. Gonzales to feel confident that (a) they correctly understand the nature of the proceeding; and (b) they have raised all issues that are of concern given the nature of the proceeding. Due to the above-described inconsistencies, we request that Notice of Application and Preliminary Decision be reissued. At a minimum, the ED should issue a clarifying statement and extend the period of time to respond to the ED's Response to Comments by a period of 30 days.

¹ Those issues discussed in the Executive Director's Response to Comments are noted by the comment number in parenthesis.

Impacts to Property and Business Interests (Comment 1)

- The Property and business interests described above and that are located immediately adjacent to the Landfill will likely be negatively impacted, both economically and environmentally, if the Amendment is granted. The ED's Response to Comment 1 notes that the municipal solid waste rules do not explicitly address the consideration of potential negative impacts to property values, but do address human health and the environment. Granting the Application will likely result in human health and environmental impacts. Those impacts, in turn, will have direct economic consequences because those impacts will adversely affect how Mr. Gonzalez may utilize his Property located adjacent to the Landfill. Specific concerns regarding the negative impacts of the Landfill and its expansion on human health and welfare and the environment include:
 - **Control of Disease Vectors** – Mr. Gonzalez believes that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors. Specifically, Mr. Gonzalez believes that the chain link fence noted in the Application will not adequately protect the Property from disease vectors. A more protective barrier is needed.
 - **Site Access and Traffic Concerns** – Mr. Gonzalez is concerned that the Application is deficient in providing necessary information regarding transportation and site access. Without this information, Mr. Gonzalez believes that human health and safety is at risk.

Also, applicable regulations require the Applicant to provide data on the availability and adequacy of roads intended to be used to access the Landfill, including the Applicant's right to use the access route; at this time, it does not appear that the Applicant has adequately done so, particularly with respect to the access road closest to the Landfill.

It appears that the Applicant also fails to accurately identify the actual impact on traffic that will occur as a result of the Landfill's expansion.

Given the above issues, Mr. Gonzalez also has concerns regarding whether the Applicant adequately provides for the control of dust that will be generated by the additional traffic and activity at the Landfill.

- **Special and Prohibited Wastes** – Mr. Gonzalez is concerned that the Applicant may not be able to maintain sufficient training, documentation, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled. In addition, Mr. Gonzalez is

concerned that the volume of waste – as indicated in the application – may exceed the amount allowed by applicable regulations.

- **Gas Monitoring** – Mr. Gonzalez is concerned that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against harmful or explosive gas.
- **Leachate and Gas Condensate** - Mr. Gonzalez is concerned that the Applicant may not be able to properly manage leachate or gas condensate in a way that is protective of human health and the environment.
- **Landfill Cover** – Given the Appellant’s compliance history, Mr. Gonzalez also has concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner.
- **Closure and Post-Closure Plans** - Mr. Gonzalez is concerned that the Applicant’s closure and post-closure plans may not adequately protect human health and the environment after the Landfill has closed.
- **Financial Assurance** - Mr. Gonzalez is concerned that the cost estimates may not be accurate and that the Applicant may not be able to provide sufficient financial assurance to be protective of human health and the environment during closure and post-closure.
- **Personnel** - Mr. Gonzalez is concerned that the Applicant may not be able to maintain personnel with minimum qualifications for each category of key personnel to be employed at the Landfill sufficient to be protective of human health and the environment.
- **Fire** - Mr. Gonzalez is concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment.
- **Water Quality and Water Run-off** - Mr. Gonzalez is concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill. In addition, Mr. Gonzalez is concerned that the existing groundwater at and in the vicinity of the site has not been adequately characterized.

Applicant’s Compliance History (Comment 2)

- The Applicant’s compliance history remains a concern for Mr. Gonzalez. Mr. Gonzalez believes this issue should be fully explored and offered into

evidence at a public hearing. The Texas Solid Waste Disposal Act specifically contemplates the admission into evidence of noncompliance with TCEQ rules, permits, other orders, or state and federal statutes at a permit amendment hearing, and requires the TCEQ to consider evidence of noncompliance in determining whether to amend an existing permit.

- Mr. Gonzalez has concerns regarding the Applicant's ability to operate and maintain the Landfill in a manner that is protective of human health and the environment. First, Mr. Gonzalez has obtained a number of TCEQ records showing numerous violations discovered during routine inspections of the Landfill. In addition, Mr. Gonzalez notes that the Applicant did not adequately prepare for the disposal of municipal wastes from the County. The Applicant was forced to apply for a Minor Permit for Temporary Overfill Authorization in March of 2006 and has been disposing of waste into the Landfill in excess of those amounts originally permitted ever since.

Migration of Landfill Debris and Windblown Litter (Comment 3)

- Mr. Gonzalez has had repeated problems due to the migration of debris and windblown litter from the Landfill onto his Property. The presence of such litter on Mr. Gonzalez's Property creates unhealthy, unsafe, and unsightly conditions and forces Mr. Gonzalez to collect and dispose of the litter himself. Mr. Gonzalez does not believe the current Landfill is operated in a manner to control windblown solid waste and believes this problem will be exacerbated by the expansion of the Landfill if the Application is granted.

Odor Impacts (Comment 4)

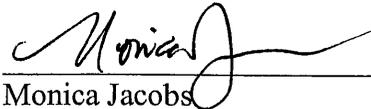
- Odor issues associated with the Landfill's expansion are a major concern to Mr. Gonzalez. Mr. Gonzalez believes that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions.

Visual Screening of Waste Material (Comment 5)

- The Landfill is visible from the Property and creates an unpleasant and unsightly view which, in turn, diminishes Mr. Gonzalez's use and enjoyment of his Property. Mr. Gonzalez believes that the current visual screening mechanisms are not adequate. If the Application is granted, the lateral expansion allows for an above-grade aerial fill to an elevation of approximately 435 feet above mean sea level for an additional 20 acres. If the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be significantly aggravated.

In short, the Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements contained in 30 TAC Chapter 330. Mr. Gonzalez is an affected person and requests a contested case hearing on Proposed MSW Permit No. 783. If all of Mr. Gonzalez's concerns were addressed in a manner that assured him that all applicable regulatory requirements were being met and that Mr. Gonzalez's Property interests would be protected, Mr. Gonzalez would consider withdrawing his request for hearing.

Sincerely,



Monica Jacobs
State Bar No. 24007433
Holly Vandrovec
State Bar No. 24049212
Kelly Hart & Hallman LLP
301 Congress Ave., Suite 2000
Austin, TX 78701
Telephone: (512) 495-6405
Facsimile: (512) 495-6605
Attorneys for Victor Gonzalez, Jr.

cc: FOR THE APPLICANT:

The Honorable Rosalva Guerra
Zapata County Judge
PO Box 99
Zapata, TX 78076

Raul H. Garcia, P.E.
Garcia and Wright Consulting Engineers, Inc.
407 West Rhapsody
San Antonio, TX 78216

FOR THE EXECUTIVE DIRECTOR:

Shana Horton, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
PO Box 13087
Austin, TX 78711

Mario Perez, Sr., Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division
MSW Permits Section MC-124
PO Box 13087
Austin, TX 78711

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
PO Box 13087
Austin, TX 78711

FOR OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
PO Box 13087
Austin, TX 78711

LUIS A. LOZANO
P.O. Box 3
SAN YGNACIO, TX 78067
956 765 5202

OPA HR

MAY 05 2008

BY DM

MSW
55523

CHIEF CLERKS OFFICE
2008 MAY -5 PM 3:53

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

April 26, 2008

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

RE: Notice of Application for an Amendment to TCEQ Municipal Solid Waste Permit Number 783; Applicant Zapata County, Texas; San Ygnacio Landfill

Dear Ms. Castañuela:

The purpose of this letter is to request a contested case hearing regarding Municipal Solid Waste Permit No. 783 Amendment Application by Zapata County, Texas ("Applicant") for the San Ygnacio Landfill.

I live in Zapata County and own property ("Property") within 100 yds. ~~miles~~ of the San Ygnacio Landfill ("Landfill") which will likely be negatively impacted if the Amendment is granted due to the various human health and environmental impacts and other concerns listed below, which makes me an affected person under TCEQ rules. I have the following concerns:

Human Health and Environmental Impacts

- o **Control of Disease Vectors** - I believe that the measures specified for the control of disease vectors will be insufficient to control rodents and other vectors.
- o **Site Access and Traffic Concerns** - I am concerned that the Application lacks necessary information regarding transportation and site access, which puts human health and safety is at risk.
- o **Special and Prohibited Wastes** - I am concerned that the Applicant may not be able to maintain sufficient training, communication, and notification procedures to be certain prohibited wastes are excluded from the facility and special wastes are properly accepted and handled.
- o **Gas Monitoring** - I am concerned that the Applicant may not be able to maintain sufficient gas monitoring and remediation plans to protect against

msw

harmful or explosive gas.

- o **Landfill Cover** – Given the Appellant's compliance history, I also have concerns regarding whether the Applicant will maintain its landfill cover in a sufficiently protective manner.
- o **Fire** – I am concerned that the Applicant may not be able to maintain protections against fire in the expanded or existing area sufficient to protective of human health and the environment.
- o **Water Quality and Water Run-off** – I am concerned that the Applicant may not be able to operate the landfill in a manner that is protective of groundwater and that protects human health and the environment from run-off from the Landfill.

Applicant's Compliance History

- 1 I have concerns regarding the Applicant's ability to operate and maintain the Landfill in a manner that is protective of human health and the environment due to the Applicant's compliance history.

Migration of Landfill Debris and Windblown Litter

- 2 I have had repeated problems due to the migration of debris and windblown litter from the Landfill onto my Property, which creates unhealthy, unsafe, and unsightly conditions and forces me to collect and dispose of the litter myself.

Odor Impacts

- 3 I believe that existing odor problems at the Landfill will be exacerbated by the expansion and that the odor control measures specified will not be sufficient to prevent the occurrence of nuisance odor conditions.

Visual Screening of Waste Material

- 4 The Landfill is visible from my Property and creates an unpleasant and unsightly view. Current visual screening mechanisms are not adequate, and if the expansion requested in the Application is granted, the issues regarding visual screening of waste material will be aggravated.

The Application for the expansion of the Landfill has not shown that the Applicant has met or will meet the regulatory requirements imposed by TCEQ. I am an affected person and request a contested case hearing on Proposed MSW Permit No. 783.

Sincerely,

FACSIMILE TRANSMITTAL SHEET

TO:	TCEQ Chief Clerk's Office	FROM:	Luis A. Lozano
COMPANY:		DATE:	5/5/2008
FAX NUMBER:	512-239-3311	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	Notice of Application for an Amendment to TCEQ Municipal Solid Waste Permit No. 783		

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

Attached are public comments and a request for a contested case hearing from Luis A. Lozano.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 2008 MAY -5 PM 3:53
 CHIEF CLERKS OFFICE