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October 5, 2012

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2011-1424-MSW
Application by City of Levelland for MSW Permit No. 2369

Dear Bridget:

Enclosed for filing in the above referenced matter please find the City of Levelland's Response to Hearing Requests. Seven hard copies of this document will be hand delivered on Monday.

Thank you for your cooperation in this matter.

Sincerely,

Paul Gosselink

PGG/mpj
Attachments

cc: Certificate of Service

2012 OCT -5 PM 5:00
 CHIEF CLERKS OFFICE
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ DOCKET NO. 2011-1424-MSW

**APPLICATION BY
CITY OF LEVELLAND
FOR MUNICIPAL SOLID WASTE
PERMIT NO. 2369**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

APPLICANT'S RESPONSE TO REQUESTS FOR HEARING

Applicant City of Levelland ("City") files this its Response to Requests for Hearing pursuant to 30 TAC §55.209(d) and other applicable rules of the Texas Commission on Environmental Quality ("TCEQ" or the "Commission"), and respectfully shows the following:

I. INTRODUCTION

The City of Levelland has applied to the TCEQ for a municipal solid waste (MSW) permit to authorize the construction and operation of a new Type 1 & Type IV Arid Exempt MSW Landfill, located approximately 5 miles south of the City of Levelland on Bobwhite Road, 2.5 miles east of U.S. 385 and one-half mile south of FM 1585 in Hockley County, Texas. The total permitted area would include 171.5 acres of land located on a property of 177.02 acres, of which approximately 90 acres would be used for waste disposal. The City is the owner of all property within the proposed permit boundary of the landfill site. The Landfill will serve the solid waste management and disposal needs of the City of Levelland. Waste acceptance would be limited to a maximum rate of approximately 14,600 tons per year, approximately 20 tons per day of Type I waste and 20 tons per day of Type IV waste, based on a sum of the previous four quarters of waste acceptance.

On July 8, 2010, the City submitted its application to the TCEQ. The Executive Director declared the application administratively complete on August 19, 2010. The Notice of Receipt

of Application and Intent to Obtain a Permit was published in the Levelland & Hockley County News-Press on September 5, 2010.

The Executive Director completed the technical review of the Application on January 10, 2011, and prepared a draft permit. The Notice of Application and Preliminary Decision was published in the Levelland & Hockley County News-Press on February 6 and 13, 2011.

The Notice of Public Meeting was published in the Levelland & Hockley County News-Press on April 20, April 27, and May 4, 2011. A public meeting was held on May 10, 2011, at the Levelland Middle School auditorium, located at 1401 East Ellis Street, Levelland, Texas 79336. The first comment period for this Application ended on May 10, 2011. The Executive Director issued his initial responses to the comments on July 13, 2011.

The City submitted an amendment to the technically complete application on February 13, 2012. The Executive Director received the amended application on February 21, 2012. The City published the Second Notice of Application and Preliminary Decision on April 29, 2012, in the *Levelland & Hockley County News-Press*. The second comment period ended on May 29, 2012. The Executive Director issued his amended responses to the comments on July 31, 2012.

This Application was administratively complete on or after September 1, 1999; therefore, this Application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

The City believes four persons, Eddie Blair, Kathy Blair, Emmitt Burelsmith and Shirley Burelsmith have requested a hearing.

II. ORGANIZATION OF RESPONSE

Section 55.211 of the MSW rules provides that a request for a contested case hearing shall be granted if the request is made by an "affected person" and it:

- (A) raises disputed issues of fact that were raised during the comment period, that were not withdrawn by the commenter... and that are relevant and material to the commission's decision on the application;
- (B) is timely filed with the chief clerk;
- (C) is pursuant to a right to hearing authorized by law; and
- (D) complies with the requirements of §55.201 regarding timing and contents of hearing requests.

30 TAC §55.211(c)(2). Section 55.209 states that responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;
- (2) which issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or of law;
- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing . . . ;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.

Id. at 55.209(c).

This response is organized to address each of these requirements. Section III discusses whether each hearing requestor is an "affected person." There are only four individuals who have filed hearing requests. Section IV interprets and restates the particular issues raised by these two families (four individuals). Section V discusses the issues to which the City objects as not being eligible for referral. Section VI discusses the Executive Director's Response to Hearing Request. Section VII discusses the maximum expected duration of the hearing. Finally, the conclusion and prayer (Section VIII) contains a list of all issues that are appropriate for referral in terminology appropriate for referral, considering the relevant TCEQ regulatory language.

III. DETERMINATION OF AFFECTED PERSONS
(§55.209(e)(1))

The Commission's rules provide that:

[A]n affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

Id. at §55.203(a). In determining whether an individual is an affected person, the rules require consideration of:

... all factors ... including, but not limited to, the following:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person; [and]
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person ...".

Id. at §55.203(c).

The City has **no objection** to the granting of party status to:

- 1. Kathy Blair
- 2. Eddie Blair
- 3. Shirley Burelsmith
- 4. Emmitt Burelsmith

IV. ISSUES FOR REFERRAL
(§55.209(c)(2-6))

Once the "affected person" analysis has occurred and eligible parties have been identified, the Commission must determine which issues that have been raised by an affected person in a valid hearing request should be referred to the State Office of Administrative Hearings ("SOAH") for consideration in the contested case hearing. See TEX. WATER CODE ANN. §5.556. Section 5.556 also requires the Commission to limit both the number and scope of issues that are referred to SOAH for hearing. *Id.*

Levelland's understanding of the issues sought to be raised by the Blairs and the Burelsmiths is based on the below listed four letters in which these individuals requested a contested case:

1. February 20, 2011 letter from Emmitt and Shirley Burelsmith;
2. February 27, 2012 letter from Eddie and Kathy Blair;
3. August 27, 2012 letter from Kathy Blair; and
4. Undated letter from Emmitt and Shirley Burelsmith received by the TCEQ on August 31, 2012.

Since the Blairs and Burelsmiths (protestants) have not stated their issues in language that directly translates into or cross references to applicable regulatory provisions, we have done our best to restate their concerns in language that more closely tracks traditional regulatory language and, therefore, provides all parties with a clearer understanding of the issues in dispute. The City's efforts in this regard closely track the same efforts undertaken by the Executive Director in its Response to Comments.

Issues Presented

1. Whether the application proposes adequate protection of groundwater in compliance with agency rules, including 30 TAC §§ 330.5(b) and 330.63(e)(6).

The protestants ask: "What steps are the TCEQ and the City of Levelland going to take to protect my family from contaminated groundwater?"

And also ask: "What steps are the TCEQ and the City of Levelland going to take to keep contaminated water from leaching into the five irrigation wells located on or next to the proposed site?"

The City does **not object** to this issue.

2. Whether the application proposes adequate protection of surface water in compliance with agency rules, including 30 TAC §§ 330.61(k).

The protestants ask: "How are you going to stop contaminated water from leaching from the landfill down the hill into the playa lake below? The closed landfill is on a hill. This lake fills up every year from rainwater running from the proposed site."

The City does **not object** to this issue.

3. Whether the application complies with the location restriction requirements for utilities in accordance agency rules 30 TAC §§ 330.61(c) and (d) and 330.141(a).

The protestants generally express concern that the entrance road is too close to a high pressure gas line that runs parallel to (but more than twenty-five feet from) the entrance road.

The City does **not object** to this issue.

4. Whether the application includes adequate provisions to control spilled and wind-blown waste and clean-up spilled waste in compliance with agency rules including 30 TAC §§ 330.139 and .233.

The protestants state that they are concerned about "the effect this landfill will have on the land. This is a farming area. We have our living here raising cotton." At the public meeting further explanation was offered that protestants are concerned that wind-blown waste from the landfill will get into their cotton crop and damage that crop.

The City does **not object** to this issue.

5. Whether the application proposes adequate erosion control measures in accordance with agency rules, including 30 TAC § 330.305(b).

The protestants state that "this legislation [sic] . . . will significantly alter soil erosion issues . . ."

The City does **not object** to this issue.

6. Whether the application provides adequate information establishing the availability and adequacy of site access roads in accordance with agency rules, including 30 TAC §§ 330.61(i) and 330.153.

The protestants state "and the damage to our improved roads that would be used to enter the landfill site."

The City does **not object** to this issue.

7. Whether the application is based on an adequate number of soil borings in accordance with agency rules, including 30 TAC § 330.63(c)(4).

The applicants generally express a concern about "test well requirements." The above interpretation of the issue intended to be raised is the best interpretation that both the Executive Director and the Applicant can ascribe to the above stated concern.

Assuming the City has properly interpreted what the protestants intended, the City does **not object** to the issue as stated.

8. Whether the application proposes adequate measures to control dust in accordance with agency rules, including 30 TAC § 330.153(b).

The protestants state "not to mention the dust contaminants that would be created by the dump trucks."

The City does **not object** to this issue.

9. Whether the TCEQ will properly inspect construction of the landfill.

The protestants ask: "Who is going to oversee and inspect the construction of this site to make sure it is constructed according to TCEQ guidelines?"

The City **objects** to this issue.

10. Whether the application includes adequate protection for wildlife and "wild habitat".

The protestants state that "this legislation [sic] . . . will significantly alter wild habitat [and] wildlife . . ."

The City **objects** to this issue.

11. Whether the application will decrease property values.

The protestants state "this legislation [sic] . . . will significantly alter . . . property values . . ."

The City **objects** to this issue.

12. Whether the proposed application will adversely affect air quality.

The protestants state "this legislation [sic] . . . will significantly alter air . . . quality. . ."

The City objects to this issue.

13. Whether the proposed landfill will adversely affect the protestants' quality of life.

The applicants state ". . . it is our very life that would be affected."

The City objects to this issue.

V. ISSUES NOT ELIGIBLE FOR REFERRAL

Issue 9: Whether the TCEQ will properly inspect construction of the landfill.

The City objects to this issue for two reasons. First, the actions or inactions of the TCEQ (whether it will properly inspect the landfill) are not relevant or material to any regulatory obligation of the City whether related to the application process or the operation of the landfill. Indeed, the City cannot control or impact the actions of the TCEQ. As a result, the City would not be in control of the evidence required to satisfy its burden of proof on such an issue. Second, inspection of construction necessarily will only occur after the permit has been issued. Accordingly, this issue would be moot as to the purpose of this agenda decision – what issues to refer for consideration of permit issuance.

The City objects to this issue and requests that it not be referred.

Issue 10: Whether the application includes adequate protection for wildlife and "wild habitat".

TCEQ's jurisdiction to regulate landfills is established by the legislature and is limited to the issues set forth in statute. When considering wildlife or wildlife habitat, the TCEQ's jurisdiction is limited to (1) prohibiting the construction or operation of a landfill that could

cause destruction of or adverse modification of the critical habitat of endangered species and/or (2) cause or contribute to the taking of any endangered or threatened species. See 30 TAC § 330.61(n). The TCEQ's jurisdiction does not extend to all wildlife nor all wildlife habitat.

Protestants are not alleging that the construction and/or operation of the landfill will adversely impact any critical habitat or endangered or threatened species. The land where the landfill is proposed to be constructed has long been in cultivation as farm land.

This issue is beyond the jurisdiction of the TCEQ and is not eligible for referral. The City objects to this issue and requests that it not be referred.

Issue 11: Whether the application will decrease property values.

Property values are not relevant and material to the decision on this application. As noted in the Executive Director's Response to Comments and as reflected by the Commissions' repeated acknowledgement in many other cases, the Commission has no authority (jurisdiction) to consider property values when reviewing MSW permit applications.

The City objects to this issue and requests that it not be referred.

Issue 12: Whether the proposed landfill will adversely affect air quality.

Under the rules governing this application, air quality/air pollution issues are not relevant or material. Instead, air issues at a landfill are regulated under a separate permitting regime found at 30 TAC § 330, Subchapter U. The City concurs with the Executive Director's Response to Comments that, because there is a separate process for evaluation of air emissions from landfills, this issue is not material or relevant to this application and this issue should not be referred to SOAH.

Issue 13: Whether the proposed landfill will adversely affect the protestants' quality of life.

The City objects to the complaint that the proposed landfill will "adversely affect the quality of life" being referred to SOAH as a disputed issue of fact. There is no MSW regulation which speaks to the subjective notion that one's quality of life not be adversely impacted or how such a determination would be made. The most logical reading of protestants complaint is that they simply don't want the landfill near them. That may be their goal but such goal should not be translated into a referred issue.

The City believes that referring a general issue such as quality of life is contrary to H.B. 801 and is functionally unworkable. It is not possible for an applicant to definitively prove that someone else's quality of life will not be adversely impacted or to disprove assertions that the quality of life of a protestant has been impacted. It is all extremely subjective, non-factual and not connected to any specific regulation or measurable standard.

The premise of the TCEQ's MSW regulatory framework is that an MSW applicant who prepares, submits and then adequately demonstrates that its application meets or exceeds the agency's location restrictions, design criteria and operational standards has proposed a facility that, by definition, and consistent with the policy and purpose of the Solid Waste Disposal Act, "safeguards the health, welfare and physical property of the people in the environment." Tex. Health & Safety Code Ann. § 361.002.

At the conclusion of the contested case hearing, findings that an applicant has a technically sound application and the applicant has carried its burden of proof as to the specifically referred issues, must lead to the ultimate finding that the issuance of the permit would "safeguard the health, welfare and physical property of the people in the environment." While it is appropriate and necessary to reach such an ultimate finding, it should be made clear

that such a finding is derivative of the findings on the specifically referred issues, and not the subject of an independent inquiry in its own right. Since "quality of life" is part and parcel of this same concept, the same determination should be made that it is not an independent fact issue to be referred. Moreover, the protestant's specific statement that their "quality of life" will be adversely impacted should not be translated/elevated to an even broader statement of the ultimate issue in any MSW application. The City submits that the protestants stated quality of life concern is different from the policy language as discussed above, and, itself, is too vague and too broad a request to be referred as an issue.

VI. EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

Having received the Executive Director's Response to Hearing Requests at 3:00 p.m. this afternoon, the City will take the opportunity to note that it agrees with all the issues and the positions that the Executive Director has taken in its Request for Hearing Requests except that the City disagrees with the Executive Director on three issues (E.D. Issues 9, 10 and 11).

The City believes that E.D. Issues 9 and 10 were not requested by any protestant. Issues 9 and 10 are stated by the E.D. as:

"9. Whether the Applicant Complied with TCEQ Rules Related to the Posting of Public Notice Signs."

"10. Whether the Applicant Complied with TCEQ Rules Related to the Availability of the Application for Public Viewing."

The City acknowledges that these issues were raised as comments and were responded to by the E.D. However, these issues are not referenced in the four letters that requested a contested case hearing.

As noted above the City does not agree that the protestant's complaint that their "quality of life" equates to a request for a referred issue on an ultimate decision in the case. The E.D.'s recitation of the issue is at a slight variance from the ultimate finding discussed under Issue 13 on Section IV above. However, it is so substantially similar that it evokes the same practical and policy concerns. E.D. Issue 11 states:

"11. Whether the Application and Draft Permit Include Terms and Conditions that are Protective of Human Health and Safety."

The E.D.'s translation of the protestants words into this broad form referral issue violates the purpose/policy behind the H.B. 801 process. That purpose is to identify the actual disputed issues of fact so as to not waste the time and resources of the parties and the State in discovery, drafting prefiled testimony and conducting a hearing on issues that are not in dispute.

The substance of the issue the E.D. has suggested will inescapably have to be addressed by the ALJ and the Commissioners but it will be decided based upon whether the applicant has satisfied its burden of proof on the limited factual issues in actual dispute that were identified by the requests made by the protestants. The practical problem with a referral of a broad form ultimate issue as a separate hearing issue is that it re-injects the prospect of a potential challenge to every aspect of the application and the challenge of whether the applicant has met potentially every regulation. A prudent applicant will necessarily choose to protect itself from the risk that it might not meet its burden of proof on some issue not otherwise specifically referred, but that is somehow construed to fit within the general rubric of the ultimate issue described in the E.D.'s Issue 11; thereby undermining the purpose of the H.B. 801 referral process.

The City urges the Commissioners not to re-inject this unnecessary complication especially when the City does not believe Issue 11 reflects an issue requested by any protestant.

**VII. DURATION OF HEARING
(§55.209(e)(7))**

Responses to hearing requests must address the maximum expected duration of the hearing from the first day of the preliminary hearing to the issuance of the proposal for decision. The City suggests that, given the limited number of parties and the average number of issues, seven (7) months is an appropriate duration.

VIII. MEDIATION

The City respectfully requests that three (3) weeks be allowed for mediation between the parties, to be conducted by TCEQ mediators, prior to referral to SOAH.

IX. PRAYER

The City does not object to a finding that Eddie and Kathy Blair are affected persons and Emmitt Shirley Burelsmith are affected persons.

The City submits that the issues listed in the Table below, and only those issues, should be referred to SOAH for consideration in the contested case hearing.

Table 6 – Issues for Referral

REFERRAL ISSUES
Whether the application poses adequate protection of groundwater in compliance with agency rules, including 30 TAC §§ 330.5(b) and 330.63(e)(6).
Whether the application proposes adequate protection of surface water in compliance with agency rules, including 30 TAC §§ 330.61(k).
Whether the application complies with the location restriction requirements for utilities in accordance agency rules 30 TAC §§ 330.61(c) and (d) and 330.141(a).
Whether the application includes adequate provisions to control spilled and wind-blown waste and clean-up spilled waste in compliance with agency rules including 30 TAC §§ 330.139 and .233.
Whether the application proposes adequate erosion control measures in accordance with agency rules, including 30 TAC § 330.305(b).
Whether the application provides adequate information establishing the availability and adequacy of site access roads in accordance with agency rules, including 30 TAC §§ 330.61(i) and 330.153.

REFERRAL ISSUES
Whether the application is based on an adequate number of soil borings in accordance with agency rules, including 30 TAC § 330.63(e)(4).
Whether the application proposes adequate measures to control dust in accordance with agency rules, including 30 TAC § 330.153(b).

The City requests that a duration of seven months be allowed for the hearing, and that three weeks be allowed for mediation between the parties prior to referral to SOAH.

BFI prays for any and all other relief to which it is entitled.

Respectfully submitted,

LLOYD GOSSELINK
ROCHELLE & TOWNSEND, P.C.
 816 Congress Ave., Suite 1900
 Austin, Texas 78701
 (512) 322-5800
 (512) 472-0532 (Fax)

By: *Paul Gosselink*
 PAUL G. GOSSELINK
 State Bar Number 08222800

**ATTORNEYS FOR THE
 CITY OF LEVELLAND**

Certificate of Service

I certify that a true and correct copy of Applicant City of Levelland's Response to Requests for Hearing was served on the following entities or individuals by U.S. Regular Mail, Certified Mail (return receipt requested), hand delivery and/or facsimile at the addresses listed below on this 5th day of October, 2012.

FOR THE APPLICANT

Rick Osburn, City Manager
City of Levelland
P. O. Box 1010
Levelland, Texas 79336-1010

Robert Holder
Parkhill, Smith & Cooper, Inc.
4222 85th Street
Lubbock, Texas 79423-1930

FOR THE EXECUTIVE DIRECTOR

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Dwight C. Russell, Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division, MC-124
P.O. Box 13087
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Brian Christian, Director
Texas Commission on Environmental Quality
Small Business & Environmental
Assistance Division
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Austin, Texas 78711-3087

FOR THE PUBLIC INTEREST COUNSEL

Blas J. Coy, Attorney
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Office of Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR ALTERNATIVE DISPUTE RESOLUTION

Kyle Lucas
Texas Commission on Environmental Quality
Alternate Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
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Austin, Texas 78711-3087

REQUESTORS

Eddie & Kathy Blair
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Eddie Blair
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Levelland, Texas 79336-0877

Kathy Blair
P. O. Box 877
Levelland, Texas 79336-0877

Emmitt & Shirley Burelsmith
1295 E. State Road 1585
Levelland, Texas 79336-9326



Paul G. Gosselink

TCEQ DOCKET NO. 2011-1424-MSW

APPLICATION BY	§	BEFORE THE
CITY OF LEVELLAND	§	TEXAS COMMISSION ON
FOR MUNICIPAL SOLID WASTE	§	ENVIRONMENTAL QUALITY
PERMIT NO. 2369	§	

**NOTICE OF APPEARANCE OF COUNSEL
ON BEHALF OF THE CITY OF LEVELLAND AND
REQUEST TO BE ADDED TO THE SERVICE LIST**

NOW COMES the undersigned counsel and files this Notice of Appearance and Request to be Added to the Service List on behalf of the City of Levelland, the Applicant in the above-referenced proceeding.

The City of Levelland has retained the undersigned counsel, Paul G. Gosselink of Lloyd Gosselink Rochelle & Townsend, P.C., as counsel of record in this proceeding. Accordingly, undersigned counsel respectfully requests that all service lists be modified and that all pleadings, motions, orders, and future correspondence be served and directed to counsel as follows:

Mr. Paul G. Gosselink
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Tel.: (512) 322-5806
Fax: (512) 472-0532
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Respectfully submitted,

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ROCHELLE & TOWNSEND, P.C.**
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(512) 322-5806
(512) 472-0532 (Fax)

By: *Paul Gosselink*
PAUL G. GOSSELINK
State Bar Number 08222800

ATTORNEY FOR THE CITY OF LEVELLAND

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Appearance on Behalf of the City of Levelland has been served on the following counsel/parties of record by certified mail (return receipt requested), regular U.S. Mail, facsimile transmission and/or hand delivery on this 5th day of October, 2012.

FOR THE APPLICANT

Rick Osburn, City Manager
City of Levelland
P. O. Box 1010
Levelland, Texas 79336-1010

Robert Holder
Parkhill, Smith & Cooper, Inc.
4222 85th Street
Lubbock, Texas 79423-1930

FOR THE EXECUTIVE DIRECTOR

Daniel Ingersoll, Staff Attorney
Texas Commission on Environmental Quality
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FOR ALTERNATIVE DISPUTE RESOLUTION

Kyle Lucas
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FOR THE CHIEF CLERK

Bridget C. Bohac, Chief Clerk
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REQUESTORS

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Kathy Blair
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Emmitt & Shirley Burelsmith
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TELECOPIER COVER SHEET

October 5, 2012

PLEASE DELIVER THE FOLLOWING PAGES:

<u>Recipient</u>	<u>Company</u>	<u>Fax No.</u>
Bridget C. Bohac	TCEQ	512-239-3311

Client No.: 3421-00

From: Paul Gosselink

No. of Pages: cover sheet + 19

Comments: TCEQ Docket No. 2011-1424-MSW
Application by City of Levelland for MSW Permit No. 2369

See attached cover letter and filing.

Lloyd Gosselink Rochelle & Townsend, P.C.

2012 OCT - 8 AM 8:39
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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TELECOPIER COVER SHEET

October 5, 2012

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Bridget C. Bobac	TCEQ	512-239-3311

Client No.: 3421-00

From: Paul Gosselink

No. of Pages: cover sheet + 19

Comments: TCEQ Docket No. 2011-1424-MSW
Application by City of Levelland for MSW Permit No. 2369

See attached cover letter and filing.

2012 OCT - 5 PM 5: 00
 CHIEF CLERKS OFFICE
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Lloyd Gosselink Rochelle & Townsend, P.C.