

**Melissa Chao**

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**From:** PERMITTING  
**Sent:** Wednesday, October 24, 2012 10:44 AM  
**To:** CHIEFCLK  
**Subject:** FW: Replacement Page for Request for Reconsideration of Exe.Dir.'s Decision and Contested Case Hearing - Permit 2376  
**Attachments:** scan0003.jpg; scan0002.jpg; Reconsideration of Exec. Director's Decision.docx

This was sent to the Permitting mailbox and to Licenses, MSWPER and EXECDIR.

Nancy C. Klein  
Customer Service Coordinator for  
Permitting & Registration Support Proxy

MSW  
7804

**REVIEWED**

OCT 25 2012

By HR

H  
RFR

✓  
**From:** Dean Gage [mailto:edeangage@gmail.com]  
**Sent:** Wednesday, October 24, 2012 9:00 AM  
**To:** PERMITTING; LICENSES; MSWPER; EXECDIR  
**Cc:** John Bounds

**Subject:** Replacement Page for Request for Reconsideration of Exe.Dir.'s Decision and Contested Case Hearing - Permit 2376

Please Forward this E-Mail Request to: Bridget C. Bohac, Chief Clerk

**RE: Permit 2376**

This morning, October 24, 2012, you will receive the attached (without its attachments) Request for Reconsideration of Executive Director's Decision and a Contested Case Hearing (with thirteen attachments) for the referenced Permit 2376. It will be delivered to your office via FedEx and is respectfully submitted by the Concerned Citizens for Safety, Health and Justice of Precinct 4, Brazos County Texas.

When you receive the original document today via FedEx with all thirteen attachments, you are requested to replace the *"Site map of posted Public Notice sign on Permit 2376 property"* attachment with the attached and corrected *"Site map showing location of posted Public Notice sign on remote corner of property"* at the end of this e-mail. Your attention and corrective action to this request will be deeply appreciated and is pertinent to our request.

Please confirm that you have received this communication and have made the correction.

John D. Bounds (Contact) and E. Dean Gage

✓

✓

MSW

**SITE MAP SHOWING LOCATION  
OF  
POSTED PUBLIC NOTICE SIGN ON  
REMOTE CORNER PROPERTY**

N/F  
WALLACE W. GROFF AND  
PATRICIA A. GROFF  
54.50 ACRE TRACT  
3885/77

UNPLATTED

SCALE: 1" = 300'

1/2 INCH IRON  
ROD FOUND

27.67 ACRE TRACT

14.57 ACRE TRACT

KELLY BURT DOZER, INC.  
REM. 74.77 ACRE TRACT  
1225/857

CCAA, LLC  
10.0 ACRE TRACT  
8858/108

LOCATION WHERE PUBLIC  
NOTICE SIGN IS POSTED

BOUNDARY SURVEY PLAT  
OF A  
TRACT, A 3.40 ACRE TRACT  
A 27.67 ACRE TRACT  
JONES SURVEY, A-26  
IZOS COUNTY, TEXAS

SCALE: 1 INCH = 300 FEET  
SURVEY DATE: 08-13-08  
PLAT DATE: 09-24-11  
JOB NUMBER: 11-204  
CID NAME: 11-204  
JONESRD (cont): 08-336 (job)  
DRAWN BY: KERR SURVEYING, LLC  
CERRICH AVENUE, P.O. BOX 380  
ALLEN, TEXAS 75001  
PHONE: (972) 208-3188

BRUSHY  
COMMUNITY

CONCRETE RIGHT-OF-WAY  
MARKER FOUND



BEARING SYSTEM SHOWN HEREON IS BASED ON  
GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.  
SEE METES AND BOUNDS PREPARED APRIL & MAY 2011  
FOR MORE DESCRIPTIVE INFORMATION.

STATED LOCATION OF PERMIT 2376 WHERE PUBLIC NOTICE COULD BE SEEN

**CONCERNED CITIZENS FOR SAFETY, HEALTH AND JUSTICE**  
**Precinct 4, Brazos County Texas**  
**9411 Twelve Oaks Lane**  
**College Station, TX 77845**

October 22, 2012

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

**RE: 1)Reconsideration of the Executive Director's Decision, and  
2)Request for Contested Case Hearing**

**Permit Application No. 2376**  
**RN Number: 105669931**  
**Brazos Valley Disposal Facility**  
**Applicant Name: CCAA, LLC**  
**P. O. Box 5449**  
**Bryan, TX 77805**

**CONTACT FOR ALL COMMUNICATIONS AND DOCUMENTS:**

**John D. Bounds**  
**9411 Twelve Oaks Lane**  
**College Station, TX 77845**  
**Phone: 979/260-1519**  
**Cell: 979/587-1015**

In compliance with Chapter 55 and Subchapter F: Requests for Reconsideration or Contested Case Hearing of the TCEQ code and rules, the Concerned Citizens for Safety, Health and Justice (**CCSHJ**) of Precinct 4, Brazos County Texas, hereby and respectfully requests a Reconsideration of the Executive Director's Decision. If this decision is not reversed to deny approval of Permit **2376**, we request a Contested Case Hearing. Both requests follow the decision of the Executive Director of TCEQ, dated September 24, 2012, that the above-referenced permit application number 2376 meets all the requirements of applicable law. The same factual documentation will be presented for both the Reconsideration of Executive Director's Decision and a Contested Case Hearing. We further request that the Executive Director will continue to **deny and not authorize construction or operation of any proposed facilities** due to the comprehensive and factual reasons to be presented in this document. The Concerned Citizens for Safety, Health and Justice of Precinct 4, Brazos County Texas, is composed of impacted residents, families and home owners located in the minority Brushy Community, the Oak Hills Subdivision and the Franklin Estates Subdivision all adjacent to or in close proximity to the site location of Permit 2376. All

of the impacted members and signees of CCSHJ on the attached list at the end of this request live within a few hundred feet, to one-quarter mile, to one-third mile, to one-half mile and to one to two miles from the current proposed site. Members of CCSHJ qualify as “**Affected Persons**” according to the TCEQ guidelines and have personal justifiable interests related to a legal right, duty, privilege, power or economic interest affected by this application. Many of the members have clear standing to request the Reconsideration or the Contested Case Hearing in their own right. The interests of CCSHJ are to protect the health, safety, proper land use and environmental justice of the citizens adversely affected and impacted by approval of Permit 2376. The specific and explicit purpose of CCSHJ is to stop the construction and operation of Permit 2376. This request is based on issues that were raised during the comment period and the Response to Comments as communicated by TCEQ on September 24, 2012. According to the instructions in the September 24 TCEQ communication, CCSHJ will: 1) specify specific responses by the Executive Director that we dispute and 2) will provide the factual basis of these disputes and issues of law or policy.

CCSHJ does not and cannot agree with TCEQ that all of the requirements of applicable law have been met for the technical requirements. **We dispute the Executive Director’s decision “that Permit Application No. 2376 meets the requirements of applicable law.”** From our analysis, evaluation and consultations, we will document and challenge the decision that all requirements have been met and will specifically provide facts and data to the contrary that are relevant and material to TCEQ’s decision. Again, we do not agree that all requirements have been met and we respectfully question the validity and factual accuracy of several of the requirements. We will show in this document how citizens who live close to this proposed facility will be permanently and adversely affected in a manner not common to the general public. We will also document that the overall requirements and a safe operating environmental for this facility cannot be met at this environmentally dangerous and inappropriate location. This location also clearly and specifically discriminates against the minority Brushy Community and its many residents; and, it clearly poses and advocates an incompatible land use at this site. Permit 2376 was filed with TCEQ in June 2011, and our citizens only learned about it two months ago which has given the owner an unfair advantage over our citizens to evaluate and respond from the technical requirement perspective. Based upon the TCEQ qualifying requirements and position as given in the above comments to submit this request, CCSHJ respectfully submits the following facts, reasons and justifications for each reason as to why Permit 2376 should not be approved:

## **TECHNICAL ISSUES AND HEALTH:**

**Health and Airborne Particulates:** TCEQ Comments and Responses Nos. 2 and 17: We dispute the Executive Director’s Responses and present the following factual basis of the dispute. Permit Application 2376 as submitted to the TCEQ does not adequately address increased airborne particulates and health hazards imposed on residents of the Brushy Community, Oak Hills Subdivision and Franklin Estates Subdivision. The permit application does not specify a plan to remediate particulate matter from construction materials transported by wind from the proposed landfill site to the surrounding area, and does not address issues of health and safety for residents. Watering treatments of roads leading to the landfill may reduce roadway airborne particulate matter, but will not prevent airborne particulates of the landfill itself from leaving the site by prevailing winds. These particulates will be a major source of air pollution for the period of operation of the landfill, prior to the time that it is covered with soil and vegetation, unless a dedicated remediation plan is proposed for the landfill itself.

The permit application makes no reference to current asthma statistics of the area, of the Brushy Community, or of West Brazos County. According to the Texas A&M Center for Community Health Development, Brazos County already has the highest incidence of asthma per capita of any county along the Brazos River (Brazos Valley Health Assessment Executive Report, Supplemental Report: Brazos County, <http://cchd.us/content/pdfs/assessmentreports/brazosreport.pdf>). It has also been documented that the Particulate Matter Index of the College Station area is already 184% the national average, which approaches twice the national average (see attached copy of CLRSearch report). Windblown particulates contribute to asthma and increase the risks of heart and lung diseases. The Federal Environmental Protection Agency (EPA) reports that airborne particulates are linked to aggravated asthma, increased respiratory symptoms, decreased lung function, irregular heartbeat, nonfatal heart attacks, and premature death in people with heart and lung disease (<http://www.epa.gov/pm/health.html>). Increased particulates from the proposed landfill will compound current air quality problems due to gravel and sand mining operations of the existing and adjacent operations area and will increase health risks to the local residents, and in particular, the Brushy Community residents closest to the proposed site.

Currently, there is no monitoring of particulate matter from the recycling operation or the sand mining operations, either at their boundaries or in the surrounding communities. This is an unacceptable situation imposed on all residents close to the operations and this proposed operation. Permit application 2376 fails to make any provisions for monitoring windblown particulate matter, during preparation of the site or operation of the landfill prior to the time that it is covered by soil and vegetation.

Permit application 2376 fails to address issues related to amorphous or crystalline silica, which are common components of the industrial waste cement and other building materials. Amorphous and crystalline silica represent significant health hazards, as reported by the EPA (<http://cfpub.epa.gov/ncea/cfm/recorddisplay.cfm?deid=12999>). EPA report EPA/600/R-95/115 addresses ambient levels of airborne amorphous and crystalline silica from the debris of construction and demolition sites, and summarizes studies of their effects on human health. Amorphous and crystalline silica are known to be linked to respiratory diseases and carcinoma, including increased rates of asthma, silicosis, silicotuberculosis, damage to kidneys, enlargement of the heart (cor pulmonale), and interference with the immune system (scleroderma).

**Floodplain:** TCEQ Comments and Response No. 15: We dispute the Executive Director's Comments and present the following factual basis of the dispute. Permit Application 2376 as originally submitted does not comply with currently issued FEMA maps of the 100-year floodplain. The permit application stated that the 100-year floodplain is 120 feet from the boundary of the proposed landfill. However, that assessment was made on the basis of FEMA 100-year floodplain maps that are now out of date. On May 16, 2012, the Federal Emergency Management Agency (FEMA) issued updated flood insurance maps, based on an improved database and longer historical flood records, and the 100-year floodplain on FIRM Map 48041C0285E extends over larger areas than indicated on earlier maps. The Executive Director's Comment (No. 15) stated, "*the floodplain does not extend into the permit boundary; however, the illustrated floodplain is Zone A, indicating the base flood elevations were not determined, but estimated and to be about 75 feet east of the permit.*" We dispute this *estimated* finding and calculate a potential danger in the renowned, documented impermeable clay soils of West Brazos County. There is also a small tributary of the creek too close to the boundary of the proposed site. We request that a certified engineer or geologist investigate the potential site location of this landfill on the 100-year floodplain. Should the landfill boundary overlap or come within an unsafe distance from the 100-year floodplain, the

landfill should be denied approval. Construction of the landfill under the current permit application should be denied based on the lack of information of citing relative to the 100-year floodplain as currently reported by FEMA. (New FEMA map attached).

**Side Slope, Height, Surface Water and Ground Water Contamination:** TCEQ Comments and Response No. 7: We dispute the Executive Director's Comments and present the following factual basis of the dispute. Permit Application 2376 does not include safeguards to prevent groundwater contamination by limiting the types of waste construction materials of the proposed landfill. No restriction is made to preclude fencing or lumber treated by chromated copper arsenate from entering the landfill. Arsenic release from construction materials represents a significant threat to groundwater and residential water wells of both rural subdivisions and the Brushy Community. The attached listing of 35 water wells providing drinking and domestic use water for the residents in just one mile of the proposed facility is included in Permit Application 2376. However, the limited lining of the proposed facility in West Brazos County soils cannot guarantee that fractures and cracks will not occur to prevent leakage and long term contamination. The monitor wells may well not be sufficient to determine this occurrence and danger until it is too late. We dispute the Executive Director's Comment that monitoring after the first year will only be done on an annual basis. This is simply not sufficient for this facility with its extreme height and excessive slope which will impact both surface and ground water without more strict controls and safeguards which cannot be achieved on a 111 feet high landfill. Extremely high levels of arsenic are already known to exist in the entire West Brazos County area due to years of agricultural spraying for cotton and other land crops. Exposure of humans to arsenic causes lung, bladder, and skin cancer in humans and arsenic is suspected to cause kidney, prostate, and nasal passage cancer, in addition to a wider range of other health risks (as summarized by the U.S. National Academy of Science, Arsenic in Drinking Water, 2001 Update, <http://www.nap.edu/openbook.php?isbn=0309076293>). We believe that this is a real liability that the Applicant must consider at this location.

Permit Application 2376 provides for only a 3 foot clay liner at the base of the proposed landfill to prevent contamination of groundwater by direct percolation at the base of the landfill, but it does not provide for measures to prevent runoff from storm water leaving the landfill site during its operation prior to the time that it is covered by soil and vegetation and thereby contaminating both surface and ground water. CCSHJ has had two licensed professional engineers calculate the slope grade based on the drawings and dimensions given in the application of this 111 feet landfill of 32 acres on only 42 acres with minimal and questionable barrier width which cannot come close to protecting storm water runoff. The engineers have independently calculated the side slope to 13.95 and 13.97 or 14%. This dangerously exceeds the TCEQ Guideline No. 5 on Land Treatment, Section 3.3, Site Evaluation which state: ***"The slope should be between 1 and 5 % in order to minimize soil erosion."*** This excessive and non-compliance side slop is significant and poses two dangers. One, it will lead to erosion during the landfill's operation, resulting in sediment and solute transport by storm waters beyond the clay liner, to the sands and gravels of the surrounding area. Sands and gravels are among the most permeable of geologic materials with hydraulic conductivities of up to 1 cm/s (or 30 m/hr; <http://www.co.portage.wi.us/groundwater/undrstnd/soil.htm>). The second danger involves Section 3.7 in these same Guidelines: ***Land treatment should be designed so that storm water runoff from active portions of the treatment areas is collected and controlled by natural drainage features and/or by diversion structures and, if necessary, retained and treated prior to release. If units are to be located in areas where precipitation significantly exceeds evaporation, a wastewater treatment unit or plant may be a necessary part of the facility. The run-on and run-off control systems should be inspected at least***

*weekly and after storm events for deterioration or malfunction.*” The location and soil types of Permit 2376 is clearly and historically one where *precipitation significantly exceeds evaporation*. We dispute the Response that the Application satisfies these rules and guidelines and that the excessive side slope of 14% and minimal barrier for a 111 feet landfill make the containment of surface water and ground water contamination extremely questionable. Further, we dispute, that as designed, the proposed drainage channels, perimeter channels, letdown structures, containment berms and detention ponds can meet TCEQ guidelines and prevent environmental dangers and health hazards.

### **TRANSPORTATION, ACCESS AND SAFETY ISSUES:**

TCEQ Comments and Response No.5: We very strongly dispute the Executive Director’s Response and present the following factual basis for the dispute. We dispute the comments by and agreement of the Executive Director with Mr. Ed Rhodes that traffic will be reduced when the Application itself states: *“The landfill facility is expected to contribute approximately 49 vehicles per day in the first year of operation to over 196 vehicles per day in the 7<sup>th</sup> year of operations.”* Mr. Rhodes is a support team member of the Applicant and his comments and the response simply do not make sense. Mr. Rhodes stated that the only waste to be disposed at the proposed landfill would be from the recycling facility and placed in this landfill as opposed to another authorized facility not adjacent to the recycling facility. If the landfill is not approved, then all this potential and subjective recycling material would not be brought to this facility in the first place. So, this statement has no factual validity or reason. Yes, some much small amounts of waste materials might be brought to this facility, but definitely not the volume to build an 11 story landfill. This is just common sense, economics and reasoning from every aspect. The cities of Bryan and College Station would not be using Permit 2376 as they recently entered into a long term agreement and have built the new Twin Oaks Landfill facility some 6.6 miles from the city limits of College Station and about the same from Bryan. The wastes of all types from these two cities are required to go to Twin Oaks which will also have a recycling facility. Twin Oaks is a facility of some 214 acres on a 610 acre site and a height of only 186 feet (side slope meeting TCEQ guidelines) with berms, barriers and landscaping to prevent visualization from Hwy. 30. This leaves Brazos County, Texas A&M University and surrounding counties as the potential customers and traffic contributors of Permit 2376. Texas A&M is the only one of these three which might have a large scale need and use of Permit 2376. Texas A&M or one of its contractors could negotiate to use either Permit 2376 or the Twin Oaks facility for a large scale demolition such as the projected lower decks of Kyle Field football stadium. The attached Editorial and the Opinion Editorial in *The Eagle* dated September 9, 2012, and September 30, 2012, detail some of these concerns and political suspicions of many citizens as to the intent and purpose of Permit 2376.

It is clear that Hwy. 60 is extremely busy and one of the four major arteries and corridors to College Station and Texas A&M University with 9,700 vehicles per day as documented by TxDOT and the Application. To contribute over 196 vehicles per day by year 7 is a huge safety concern for all our residents who have to contend with the current numbers of heavy trucks using the recycling facility.

Transportation access to Permit Application 2376 requires a left or right (no right turn lane) turn from Hwy. 60 onto Old Jones Road and then direct entrance into Permit 2376 from Old Jones Road or another turn onto Stewarts Meadow Road and then entrance into Permit 2376. The Application, Comments and Responses are disputed because they do not even address current problems with safety and maintenance of narrow Old Jones Road or any statistical analysis of traffic accidents associated with the increase in

number of trucks delivering waste to the proposed landfill. Residents have had a huge increase in broken windshields and tire punctures since these heavy trucks have increased coming to the recycling operation. Further, Old Jones Road provides the only access to the streets and residences of the Brushy Community. This same traffic hazard applies to residents on McAllester and Stewarts Meadow Roads adjacent to Permit 2376.

## **LAND USE COMPATIBILITY:**

**Location:** TCEQ Comments and Response No. 8: We dispute the Executive Director's Response and present the following factual basis for the dispute. We specifically dispute the Response that *"The information provided does not support a finding of incompatible land use to justify denying the Application."* There is clear evidence and data to dispute this comment and conclusion beginning with the fact that Permit 2376 does indeed and factually pose an incompatible land use being located next to the minority Brushy Community and the beautiful rural subdivisions of Oak Hills and Franklin Estates and directly across Hwy. 60. Permit 2376 is only 1,300 feet from Hwy. 60). Based upon the previous facts and disputes in other sections of this document, we also submit that the site does indeed adversely impact human health, safety and the environment of the surrounding area. We dispute the fact and Response that approval does not adversely impact zoning within two miles of the proposed facility when it is only 1.7 miles from the College Station city limits and within the College Station extraterritorial jurisdiction (ETJ). The character of current new development and growth trends within five miles of Permit 2376 includes the high scale Traditions Subdivision, Villa Maria subdivisions, Brazos Christian School, several churches and public schools, restaurants, the State and Federally funded Biomedical Corridor of Texas A&M University and the cities of Bryan and College Station and commercial shopping development such as the new Super WalMart at Villa Maria.

However, the most significant dispute for Incompatible Land Use involves the historic minority Brushy Community which has been in existence for almost 150 years. This important community of Brazos County and the College Station ETJ is composed of approximately 165 mostly African American citizens and was established by pioneers from North Carolina after the Civil War. Most all of these residents live between one-quarter and one-half mile from Permit 2376. This community has two (2) African American churches, a Korean church, a day school and two (2) cemeteries all of which should be more than cause enough to deny Permit 2376. Clayton Baptist Church was established in 1891 and St. Mark Baptist Church in 1902 which show their historic significance and contributions to Brazos County. Both churches are cornerstones of this community and the lifestyle of its people. They are important to the history, legacy and heritage of the State of Texas. From your own maps and the Application, you will determine that these are all in close proximity to Permit 2376 and on the streets of Old Jones Road leading in and out of their community adjacent to Permit 2376. In fact, Old Jones Road is named for their ancestors and current generation of Jones. These citizens are **"Affected Persons"** and this facility will adversely impact each one and destroy much of their heritage, historic landmarks, personal rights and civil rights. No one can question or deny the negative, discriminatory and environmentally dangerous impact on this community and its people. The Applicant of Permit 2376 has disregarded the health, safety, welfare and economic impact on these citizens, their homeland and their future. Why did the Applicant locate the public announcement sign on the back remote corner of the property next to the rubble and trees to not be seen by the majority of these citizens? These citizens pass along the corner of Old Jones Road and Stewarts Meadow and the sign should have been placed at this corner, not in the remote corner where only about 3 residents live. (See attached site map). More will be documented on

this issue in the section on Public Notification. Citizens of the Brushy Community are burdened, concerned and know that Permit 2376 looked down on them as rural, poor, not used to standing up against big money, having prohibitive cost barriers for massive legal fees and not being politically astute against big business. It is evident that the location of Permit 2376 is a discriminatory action and constitutes environmental injustice and racism. Permit 2376 will violate the "*Equal Protection Clause of the Fourteenth Amendment*" and the Executive Director's Response is disputed for these and many other stated reasons related to Incompatible Land Use.

This is not the first time that the Brushy Community citizens have had to fight against an Environmental Injustice and Environmental Racism. In the mid-1990's, these same residents fought against the relocation of a large pig farm operation and Permit 2376 is much closer to them and an even greater and dangerous environmental health and safety danger. Ultimately, the pig farm was not built and they were able to protect and maintain their homeland. A copy of the report on this issue is attached. These citizens also had to fight against a Union Pacific railroad relocation proposal in 2001, which was later dropped. So, Incompatible Land Use issues are not new to these citizens who have the right to protect their homeland and heritage which have existed more than a hundred years prior to these threats and that of Permit 2376.

We have been informed by Brushy Community residents and members of CCSHJ that they are in communication and have been given indication that the Environmental Justice Section of the EPA and the NAACP will become involved in this case if Permit 2376 moves forward toward approval. We know that TCEQ will soon have communication and filings from these organizations.

### **INADEQUATE PUBLIC NOTICE:**

TCEQ Comments and Response No. 18: We dispute that the intent of 30 TAC Chapter 39, Subchapters H and I met requirements. We do agree with TCEQ that most of the procedural requirements for notification may have been met. The Response by the Executive Director that persons owning property beyond one-quarter have the right to participate is important and pertinent. Very few citizens who qualify as "Affected Persons" were directly informed and provided the details and magnitude of a 111 feet landfill of 32 acres on only 42 acres. These details were finally provided at the poorly attended Public Hearing on July 19, 2012. The limited attendance was the result of the fact that citizens did not receive adequate notification, did not know the magnitude of the project and had been lead to believe that the facility was to be just above grade level. One resident who lives directly across the street from Permit 2376 was even told by the Applicant that the facility would look like a manicured cow pasture (Signed statement from Ed Bounds attached). We find this troubling and even suspiciously deceptive. Most of the residents of the minority Brushy Community do not even subscribe to the local paper, *The Eagle*, and did not see the publication notices in the classified section. Thirteen of the residents of the Brushy Community, who believe that they live within the one-quarter mile mailing notification requirement, claim that they never received the mailed notification about the Public Hearing. Some of these residents may well live within the one-quarter mile radius while some may live just a few feet outside it. They will also be "Affected Persons" and will still have to endure all the same dangers, which are not reduced by living just a few feet farther. A list of these residents who believe that they have been wronged is attached. It is evident that CCAA never cared that the residents, and particularly the minority Brushy Community residents knew about the proposal. The public notice sign was purposely placed on the far remote corner of the proposed site and Brazos Valley Recycling property and on the scarcely traveled

road of Stewarts Meadow. The sign is located among the trees and stacked-up and uncovered debris of the owner's current operation. It is clear that this public notification sign should have been placed at the corner of Stewarts Meadow and Old Jones Road if there was intent for it to be seen and to be visible to the citizens of the area, particularly the Brushy Community residents who live on the many streets just up Old Jones Road from Stewarts Meadow Road. (See attached pictures). Permit 2376 even states the location to be at Old Jones Road and Stewarts Meadow Road. So, why was not the posted sign placed at this location if the intent was to inform the public? This is huge question. The residents in the surrounding rural subdivisions did not know until the media provided details revealed at the Public Hearing on July 19, 2012, that the facility would also severely and permanently impact them due to the height of 111 feet on only 32 acres, as well as the environmental health dangers and traffic safety issues from increased heavy truck traffic carrying up to 200 tons of waste material per day. Once these facts became known, a community meeting was held on August 28, 2012, with more than 200 concerned citizens in attendance. Subsequently, the CSHJ with its more than 133 current and growing number of members was formed with very limited and unequal time to research, consult, raise financial support and prepare any response and request. CSHJ disputes and submits these facts under Comment and Response 18 to show that 30 TAC Chapter 39, Subchapters H and I and Rule 30 TAC, 330.59 (c)(3)(A) were only in part met and that the overall intent of these rules were not met.

## **REGIONAL SOLID WASTE PLAN:**

**Brazos Valley Council of Governments:** TCEQ Comments and Responses No. 9: We strongly dispute the Executive Director's Responses and present the following factual basis of this dispute. The case was made and submitted to TCEQ on January 20, 2012, by the Brazos Valley Council of Governments (BVCOG) that Permit 2376 would be incompatible with the RSWMP's goals of **"maintaining appropriate buffers and setbacks from sensitive land use"** and **"minimizing the negative visual impacts."** BVCOG SWAC recommended by **UNANIMOUS** decision that the **"permit not be granted until the noted deficiencies are corrected."** (Copy attached). We dispute the Response and do not believe that these noted deficiencies have been or can be corrected and that Permit 2376 is still in non-conformance. TCEQ stated in its response that the RSWMP does not define these areas that should be provided with buffers or define an appropriate distance for these buffers. We dispute this since any definition or specific criteria will depend on the dimensions, acreage, height and location of any landfill. The BVCOG SWAC has the experience, expertise and history of making proper decisions and requirements as confirmed by its approval of the new Twin Oaks Landfill facility for both the cities of Bryan and College Station. This is the basis for the BVCOG SWAC decision. A comparison of Permit 2376 and Twin Oaks documents this fact that the BVCOG SWAC criteria and actions were and are still valid and pertinent. This action provided for the responsible protection of Brazos County, City of Bryan and City of College Station citizens. The Twin Oaks facility states that it is located in an undeveloped rural area and it is some 6.6 miles from College Station and a similar distance from Bryan. Permit 2376 is only 1.7 miles from College Station and 1.3 miles from Bryan and is in a populated rural area. Twin Oaks is a facility of 214 landfill acres on a site of 610 acres which calculates to a 1 to 3 ratio of landfill to buffer or barrier space. Permit 2376 will be a 32 acre landfill on only 42 acres which calculates to only a 1 to 1.3 landfill to buffer or barrier space. Twin Oaks can grow to a height of 186 feet on the 210 acres, while Permit 2376 will be 111 feet on only 42 acres and this ratio difference poses many issues as related in previous sections and clearly the negative visual impacts. Twin Oaks will not be able to be visualized from its location off Hwy.30 with berms and landscaping applications and its distance from Hwy. 30. There is **absolutely no way** that Permit 2376 will not become an unacceptable visual eye sore at 111 feet

tall and only 1,300 feet from Hwy. 60. Yes, this does have some “apples to oranges” comparison. However, the basic principles and the position of the BVCOG SWAC are valid and should not be allowed to be overridden in this case by the State and those who do not live in the area.

The Response regarding the “negative visual impact” is disputed and totally unacceptable when it states, *“With regard to the negative visual impacts, the Executive Director is authorized by 30 TAC, 330.175 to require visual screening of deposited waste material where necessary. The Executive Director has not been provided with information to justify requiring additional screening for this facility.”* We dispute this Response based upon the fact that the very dimensions in Permit 2376 provide this information with the impossibility of a 111 feet high landfill only 1,300 feet from Hwy. 60 to College Station and adjacent to the roadways into the neighborhoods not creating an unacceptable visual impact. Since TCEQ does not accept the fact of negative visual impacts as calculated in the factual dimensions in Permit 2376 or the decision of the BVCOG SWAC, CCSHJ submits this dispute and the factual basis and information for such a submission. We further submit that common sense combined with the dimensional calculations of Permit 2376 should carry weight when decisions affecting and impacting hundreds of citizens are made. We ask the Executive Director to re-evaluate this issue and agree with the BVCOG SWAC and the Concerned Citizens for Safety, Health and Justice.

The Response also included a statement regarding the proper and safe operation of a solid waste facility in the BVCOG Region. We dispute this Response based on current operation of the recycling facility and the probability of continuing environmental hazards. The attached pictures taken at the site show how storage of piled up debris is not covered and subject to wind and rain run-off and there are not barriers or proper fencing to prevent negative visual impacts or blown debris. Residents across the roads and in the adjacent areas can document the almost daily release of plumes of dust and other airborne particles from the facility. Many of the residents currently suffer from the effects of these airborne particles. (Attached copy of letter from Cora Rogers to TCEQ). To approve Permit 2376 would only increase these environmental health hazards and visual impacts.

### **City of College Station:**

The City of College Station is caught in a difficult and politically sensitive position where it cannot do what its citizens and Council members would like to do. With its new Twin Oaks Landfill, it cannot take a public position on Permit 2376. This would result in claims of an unfair advantage or competition between government and private enterprise (Permit 2376). However, individual Council members have spoken to members of CCSHJ and told them that they are personally highly opposed and wish that they could do more to stop Permit 2376. They are convinced that Permit 2376 will have a permanent adverse impact on the proper growth, the citizens, residential development and economic development of the city and its ETJ. Permit 2376 is simply too close to the expanding College Station city limits and its plans for future annexation, which could well include the Brushy Community, Oaks Hills Subdivision and the Franklin Estates Subdivision. It is interesting to note that on the TCEQ Central Registry Query Permit 2376 states, **“Nearest City: No near city on file,”** when in fact, the City of College Station is 1.7 miles away and getting closer with each passing year. The City of College Station is a member of BVCOG and supported the unanimous recommendation to deny Permit 2376. This cannot be ignored, as well as the issue of growth patterns in the entire area. These are undisputable facts which dispute the Response in No. 9 and are germane and pertinent to the final decision of TCEQ

## **CLOSING STATEMENT:**

This request has been written and submitted by citizens of the CCSHJ, and not attorneys. While we have and will continue to have discussions with experts and attorneys, we have wanted to stay away from the long and expensive legal process if we can achieve an acceptable resolution. We would hope that the Applicant would share the same attitude and responsible actions. As responsible tax-paying citizens of the State of Texas, we are to be afforded the same protection, services and consideration by TCEQ as the Applicant according to State law.

## **THREE RESPECTFULLY SUBMITTED REQUESTS TO TCEQ:**

1. **We Request Reconsideration of the Executive Director's Decision to approve this application and to request denial for construction and operation of this proposed facility based upon the compelling reasons given in this document. If this is not granted, we further request No. 2 as given below.**
2. **We Request a Contested Case Hearing.**
3. **We further Request that TCEQ provide CCSHJ an extension of ninety (90) days from the October 24, 2012, deadline to provide additional factual and expert information and documentation to support the Request for a Contested Case Hearing. This extension will allow the CCSHJ adequate and more equitable time to work with additional technical consultants, legal experts, our own citizens, the EPA and the NAACP since environmental injustice will occur if this permit is approved.**

Respectfully submitted on this date, October 22, 2012, by the attached list of Concerned Citizens for Safety, Health and Justice of Precinct 4 Brazos County Texas, who will all be severely and permanently impacted by approval of this application and who have all given their personal signatures to be included in this request:

Attach. List of Residents of CCSHJ submitting this Request  
 Copy of particulate matter index for College Station area  
 Copy of updated FEMA Floodplain  
 Water wells within one (1) mile  
 Copy of *The Eagle's* editorial of September 9, 2012  
 Copy of Opinion Editorial in *The Eagle* of September 30, 2012  
 Site map of posted public notice sign on Permit 2376 property  
 Copy of Report of previous environmental racism against Brushy Community  
 Resident's statement regarding Applicant's communication about land usage  
 Pictures of posted public notice sign on Applicant's property  
 Copy of BVCOG SWAC document opposing Permit 2376  
 Pictures of current recycling operations  
 Letter to TCEQ from private individual documenting current airborne particles

**CONCERNED CITIZENS FOR SAFETY,  
HEALTH AND JUSTICE**

**Precinct 4, Brazos County Texas**

**9411 Twelve Oaks Lane**

**College Station, TX 77845**

**REVIEWED**

OCT 25 2012

By hr

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RFR

**Request Submitted to:  
Texas Commission on Environmental Quality  
TCEQ, MC-105  
P. O. Box 13087  
Austin, TX 78711-3087**

**Regarding Permit Application No. 2376  
RN Number 105669931  
Brazos Valley Disposal Facility  
Applicant: CCAA, LLC  
P. O. Box 5449  
Bryan, TX 77805**

**October 22, 2012**

CHIEF CLERKS OFFICE

2012 OCT 24 AM 10:33

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**CONCERNED CITIZENS FOR SAFETY, HEALTH AND JUSTICE  
Precinct 4, Brazos County Texas  
9411 Twelve Oaks Lane  
College Station, TX 77845**

October 22, 2012

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

**RE: 1)Reconsideration of the Executive Director's Decision, and  
2)Request for Contested Case Hearing**

**Permit Application No. 2376  
RN Number: 105669931  
Brazos Valley Disposal Facility  
Applicant Name: CCAA, LLC  
P. O. Box 5449  
Bryan, TX 77805**

**CONTACT FOR ALL COMMUNICATIONS AND DOCUMENTS:**

**John D. Bounds  
9411 Twelve Oaks Lane  
College Station, TX 77845  
Phone: 979/260-1519  
Cell: 979/587-1015**

In compliance with Chapter 55 and Subchapter F: Requests for Reconsideration or Contested Case Hearing of the TCEQ code and rules, the Concerned Citizens for Safety, Health and Justice (CCSHJ) of Precinct 4, Brazos County Texas, hereby and respectfully requests a Reconsideration of the Executive Director's Decision. If this decision is not reversed to deny approval of Permit **2376**, we request a Contested Case Hearing. Both requests follow the decision of the Executive Director of TCEQ, dated September 24, 2012, that the above-referenced permit application number 2376 meets all the requirements of applicable law. The same factual documentation will be presented for both the Reconsideration of Executive Director's Decision and a Contested Case Hearing. We further request that the Executive Director will continue to **deny and not authorize construction or operation of any proposed facilities** due to the comprehensive and factual reasons to be presented in this document. The Concerned Citizens for Safety, Health and Justice of Precinct 4, Brazos County Texas, is composed of impacted residents, families and home owners located in the minority Brushy Community, the Oak Hills Subdivision and the Franklin Estates Subdivision all adjacent to or in close proximity to the site location of Permit 2376. All

of the impacted members and signees of CCSHJ on the attached list at the end of this request live within a few hundred feet, to one-quarter mile, to one-third mile, to one-half mile and to one to two miles from the current proposed site. Members of CCSHJ qualify as “**Affected Persons**” according to the TCEQ guidelines and have personal justifiable interests related to a legal right, duty, privilege, power or economic interest affected by this application. Many of the members have clear standing to request the Reconsideration or the Contested Case Hearing in their own right. The interests of CCSHJ are to protect the health, safety, proper land use and environmental justice of the citizens adversely affected and impacted by approval of Permit 2376. The specific and explicit purpose of CCSHJ is to stop the construction and operation of Permit 2376. This request is based on issues that were raised during the comment period and the Response to Comments as communicated by TCEQ on September 24, 2012. According to the instructions in the September 24 TCEQ communication, CCSHJ will: 1) specify specific responses by the Executive Director that we dispute and 2) will provide the factual basis of these disputes and issues of law or policy.

CCSHJ does not and cannot agree with TCEQ that all of the requirements of applicable law have been met for the technical requirements. **We dispute the Executive Director’s decision “that Permit Application No. 2376 meets the requirements of applicable law.”** From our analysis, evaluation and consultations, we will document and challenge the decision that all requirements have been met and will specifically provide facts and data to the contrary that are relevant and material to TCEQ’s decision. Again, we do not agree that all requirements have been met and we respectfully question the validity and factual accuracy of several of the requirements. We will show in this document how citizens who live close to this proposed facility will be permanently and adversely affected in a manner not common to the general public. We will also document that the overall requirements and a safe operating environmental for this facility cannot be met at this environmentally dangerous and inappropriate location. This location also clearly and specifically discriminates against the minority Brushy Community and its many residents; and, it clearly poses and advocates an incompatible land use at this site. Permit 2376 was filed with TCEQ in June 2011, and our citizens only learned about it two months ago which has given the owner an unfair advantage over our citizens to evaluate and respond from the technical requirement perspective. Based upon the TCEQ qualifying requirements and position as given in the above comments to submit this request, CCSHJ respectfully submits the following facts, reasons and justifications for each reason as to why Permit 2376 should not be approved:

## **TECHNICAL ISSUES AND HEALTH:**

**Health and Airborne Particulates:** TCEQ Comments and Responses Nos. 2 and 17: We dispute the Executive Director’s Responses and present the following factual basis of the dispute. Permit Application 2376 as submitted to the TCEQ does not adequately address increased airborne particulates and health hazards imposed on residents of the Brushy Community, Oak Hills Subdivision and Franklin Estates Subdivision. The permit application does not specify a plan to remediate particulate matter from construction materials transported by wind from the proposed landfill site to the surrounding area, and does not address issues of health and safety for residents. Watering treatments of roads leading to the landfill may reduce roadway airborne particulate matter, but will not prevent airborne particulates of the landfill itself from leaving the site by prevailing winds. These particulates will be a major source of air pollution for the period of operation of the landfill, prior to the time that it is covered with soil and vegetation, unless a dedicated remediation plan is proposed for the landfill itself.

The permit application makes no reference to current asthma statistics of the area, of the Brushy Community, or of West Brazos County. According to the Texas A&M Center for Community Health Development, Brazos County already has the highest incidence of asthma per capita of any county along the Brazos River (Brazos Valley Health Assessment Executive Report, Supplemental Report: Brazos County, <http://cchd.us/content/pdfs/assessmentreports/brazosreport.pdf>). It has also been documented that the Particulate Matter Index of the College Station area is already 184% the national average, which approaches twice the national average (see attached copy of CLRSearch report). Windblown particulates contribute to asthma and increase the risks of heart and lung diseases. The Federal Environmental Protection Agency (EPA) reports that airborne particulates are linked to aggravated asthma, increased respiratory symptoms, decreased lung function, irregular heartbeat, nonfatal heart attacks, and premature death in people with heart and lung disease (<http://www.epa.gov/pm/health.html>). Increased particulates from the proposed landfill will compound current air quality problems due to gravel and sand mining operations of the existing and adjacent operations area and will increase health risks to the local residents, and in particular, the Brushy Community residents closest to the proposed site.

Currently, there is no monitoring of particulate matter from the recycling operation or the sand mining operations, either at their boundaries or in the surrounding communities. This is an unacceptable situation imposed on all residents close to the operations and this proposed operation. Permit application 2376 fails to make any provisions for monitoring windblown particulate matter, during preparation of the site or operation of the landfill prior to the time that it is covered by soil and vegetation.

Permit application 2376 fails to address issues related to amorphous or crystalline silica, which are common components of the industrial waste cement and other building materials. Amorphous and crystalline silica represent significant health hazards, as reported by the EPA (<http://cfpub.epa.gov/ncea/cfm/recorddisplay.cfm?deid=12999>). EPA report EPA/600/R-95/115 addresses ambient levels of airborne amorphous and crystalline silica from the debris of construction and demolition sites, and summarizes studies of their effects on human health. Amorphous and crystalline silica are known to be linked to respiratory diseases and carcinoma, including increased rates of asthma, silicosis, silicotuberculosis, damage to kidneys, enlargement of the heart (cor pulmonale), and interference with the immune system (scleroderma).

**Floodplain:** TCEQ Comments and Response No. 15: We dispute the Executive Director's Comments and present the following factual basis of the dispute. Permit Application 2376 as originally submitted does not comply with currently issued FEMA maps of the 100-year floodplain. The permit application stated that the 100-year floodplain is 120 feet from the boundary of the proposed landfill. However, that assessment was made on the basis of FEMA 100-year floodplain maps that are now out of date. On May 16, 2012, the Federal Emergency Management Agency (FEMA) issued updated flood insurance maps, based on an improved database and longer historical flood records, and the 100-year floodplain on FIRM Map 48041C0285E extends over larger areas than indicated on earlier maps. The Executive Director's Comment (No. 15) stated, *"the floodplain does not extend into the permit boundary; however, the illustrated floodplain is Zone A, indicating the base flood elevations were not determined, but estimated and to be about 75 feet east of the permit."* We dispute this *estimated* finding and calculate a potential danger in the renowned, documented impermeable clay soils of West Brazos County. There is also a small tributary of the creek too close to the boundary of the proposed site. We request that a certified engineer or geologist investigate the potential site location of this landfill on the 100-year floodplain. Should the landfill boundary overlap or come within an unsafe distance from the 100-year floodplain, the

landfill should be denied approval. Construction of the landfill under the current permit application should be denied based on the lack of information of citing relative to the 100-year floodplain as currently reported by FEMA. (New FEMA map attached).

**Side Slope, Height, Surface Water and Ground Water Contamination:** TCEQ Comments and Response No. 7: We dispute the Executive Director's Comments and present the following factual basis of the dispute. Permit Application 2376 does not include safeguards to prevent groundwater contamination by limiting the types of waste construction materials of the proposed landfill. No restriction is made to preclude fencing or lumber treated by chromated copper arsenate from entering the landfill. Arsenic release from construction materials represents a significant threat to groundwater and residential water wells of both rural subdivisions and the Brushy Community. The attached listing of 35 water wells providing drinking and domestic use water for the residents in just one mile of the proposed facility is included in Permit Application 2376. However, the limited lining of the proposed facility in West Brazos County soils cannot guarantee that fractures and cracks will not occur to prevent leakage and long term contamination. The monitor wells may well not be sufficient to determine this occurrence and danger until it is too late. We dispute the Executive Director's Comment that monitoring after the first year will only be done on an annual basis. This is simply not sufficient for this facility with its extreme height and excessive slope which will impact both surface and ground water without more strict controls and safeguards which cannot be achieved on a 111 feet high landfill. Extremely high levels of arsenic are already known to exist in the entire West Brazos County area due to years of agricultural spraying for cotton and other land crops. Exposure of humans to arsenic causes lung, bladder, and skin cancer in humans and arsenic is suspected to cause kidney, prostate, and nasal passage cancer, in addition to a wider range of other health risks (as summarized by the U.S. National Academy of Science, Arsenic in Drinking Water, 2001 Update, <http://www.nap.edu/openbook.php?isbn=0309076293>). We believe that this is a real liability that the Applicant must consider at this location.

Permit Application 2376 provides for only a 3 foot clay liner at the base of the proposed landfill to prevent contamination of groundwater by direct percolation at the base of the landfill, but it does not provide for measures to prevent runoff from storm water leaving the landfill site during its operation prior to the time that it is covered by soil and vegetation and thereby contaminating both surface and ground water. CCSHJ has had two licensed professional engineers calculate the slope grade based on the drawings and dimensions given in the application of this 111 feet landfill of 32 acres on only 42 acres with minimal and questionable barrier width which cannot come close to protecting storm water runoff. The engineers have independently calculated the side slope to 13.95 and 13.97 or 14%. This dangerously exceeds the TCEQ Guideline No. 5 on Land Treatment, Section 3.3, Site Evaluation which state: ***"The slope should be between 1 and 5 % in order to minimize soil erosion."*** This excessive and non-compliance side slop is significant and poses two dangers. One, it will lead to erosion during the landfill's operation, resulting in sediment and solute transport by storm waters beyond the clay liner, to the sands and gravels of the surrounding area. Sands and gravels are among the most permeable of geologic materials with hydraulic conductivities of up to 1 cm/s (or 30 m/hr; <http://www.co.portage.wi.us/groundwater/undrstnd/soil.htm>). The second danger involves Section 3.7 in these same Guidelines: ***Land treatment should be designed so that storm water runoff from active portions of the treatment areas is collected and controlled by natural drainage features and/or by diversion structures and, if necessary, retained and treated prior to release. If units are to be located in areas where precipitation significantly exceeds evaporation, a wastewater treatment unit or plant may be a necessary part of the facility. The run-on and run-off control systems should be inspected at least***

*weekly and after storm events for deterioration or malfunction.*” The location and soil types of Permit 2376 is clearly and historically one where *precipitation significantly exceeds evaporation*. We dispute the Response that the Application satisfies these rules and guidelines and that the excessive side slope of 14% and minimal barrier for a 111 feet landfill make the containment of surface water and ground water contamination extremely questionable. Further, we dispute, that as designed, the proposed drainage channels, perimeter channels, letdown structures, containment berms and detention ponds can meet TCEQ guidelines and prevent environmental dangers and health hazards.

### **TRANSPORTATION, ACCESS AND SAFETY ISSUES:**

TCEQ Comments and Response No.5: We very strongly dispute the Executive Director’s Response and present the following factual basis for the dispute. We dispute the comments by and agreement of the Executive Director with Mr. Ed Rhodes that traffic will be reduced when the Application itself states: *“The landfill facility is expected to contribute approximately 49 vehicles per day in the first year of operation to over 196 vehicles per day in the 7<sup>th</sup> year of operations.”* Mr. Rhodes is a support team member of the Applicant and his comments and the response simply do not make sense. Mr. Rhodes stated that the only waste to be disposed at the proposed landfill would be from the recycling facility and placed in this landfill as opposed to another authorized facility not adjacent to the recycling facility. If the landfill is not approved, then all this potential and subjective recycling material would not be brought to this facility in the first place. So, this statement has no factual validity or reason. Yes, some much small amounts of waste materials might be brought to this facility, but definitely not the volume to build an 11 story landfill. This is just common sense, economics and reasoning from every aspect. The cities of Bryan and College Station would not be using Permit 2376 as they recently entered into a long term agreement and have built the new Twin Oaks Landfill facility some 6.6 miles from the city limits of College Station and about the same from Bryan. The wastes of all types from these two cities are required to go to Twin Oaks which will also have a recycling facility. Twin Oaks is a facility of some 214 acres on a 610 acre site and a height of only 186 feet (side slope meeting TCEQ guidelines) with berms, barriers and landscaping to prevent visualization from Hwy. 30. This leaves Brazos County, Texas A&M University and surrounding counties as the potential customers and traffic contributors of Permit 2376. Texas A&M is the only one of these three which might have a large scale need and use of Permit 2376. Texas A&M or one of its contractors could negotiate to use either Permit 2376 or the Twin Oaks facility for a large scale demolition such as the projected lower decks of Kyle Field football stadium. The attached Editorial and the Opinion Editorial in *The Eagle* dated September 9, 2012, and September 30, 2012, detail some of these concerns and political suspicions of many citizens as to the intent and purpose of Permit 2376.

It is clear that Hwy. 60 is extremely busy and one of the four major arteries and corridors to College Station and Texas A&M University with 9,700 vehicles per day as documented by TxDOT and the Application. To contribute over 196 vehicles per day by year 7 is a huge safety concern for all our residents who have to contend with the current numbers of heavy trucks using the recycling facility.

Transportation access to Permit Application 2376 requires a left or right (no right turn lane) turn from Hwy. 60 onto Old Jones Road and then direct entrance into Permit 2376 from Old Jones Road or another turn onto Stewarts Meadow Road and then entrance into Permit 2376. The Application, Comments and Responses are disputed because they do not even address current problems with safety and maintenance of narrow Old Jones Road or any statistical analysis of traffic accidents associated with the increase in

number of trucks delivering waste to the proposed landfill. Residents have had a huge increase in broken windshields and tire punctures since these heavy trucks have increased coming to the recycling operation. Further, Old Jones Road provides the only access to the streets and residences of the Brushy Community. This same traffic hazard applies to residents on McAllester and Stewarts Meadow Roads adjacent to Permit 2376.

## **LAND USE COMPATIBILITY:**

**Location:** TCEQ Comments and Response No. 8: We dispute the Executive Director's Response and present the following factual basis for the dispute. We specifically dispute the Response that *"The information provided does not support a finding of incompatible land use to justify denying the Application."* There is clear evidence and data to dispute this comment and conclusion beginning with the fact that Permit 2376 does indeed and factually pose an incompatible land use being located next to the minority Brushy Community and the beautiful rural subdivisions of Oak Hills and Franklin Estates and directly across Hwy. 60. Permit 2376 is only 1,300 feet from Hwy. 60). Based upon the previous facts and disputes in other sections of this document, we also submit that the site does indeed adversely impact human health, safety and the environment of the surrounding area. We dispute the fact and Response that approval does not adversely impact zoning within two miles of the proposed facility when it is only 1.7 miles from the College Station city limits and within the College Station extraterritorial jurisdiction (ETJ). The character of current new development and growth trends within five miles of Permit 2376 includes the high scale Traditions Subdivision, Villa Maria subdivisions, Brazos Christian School, several churches and public schools, restaurants, the State and Federally funded Biomedical Corridor of Texas A&M University and the cities of Bryan and College Station and commercial shopping development such as the new Super WalMart at Villa Maria.

However, the most significant dispute for Incompatible Land Use involves the historic minority Brushy Community which has been in existence for almost 150 years. This important community of Brazos County and the College Station ETJ is composed of approximately 165 mostly African American citizens and was established by pioneers from North Carolina after the Civil War. Most all of these residents live between one-quarter and one-half mile from Permit 2376. This community has two (2) African American churches, a Korean church, a day school and two (2) cemeteries all of which should be more than cause enough to deny Permit 2376. Clayton Baptist Church was established in 1891 and St. Mark Baptist Church in 1902 which show their historic significance and contributions to Brazos County. Both churches are cornerstones of this community and the lifestyle of its people. They are important to the history, legacy and heritage of the State of Texas. From your own maps and the Application, you will determine that these are all in close proximity to Permit 2376 and on the streets of Old Jones Road leading in and out of their community adjacent to Permit 2376. In fact, Old Jones Road is named for their ancestors and current generation of Jones. These citizens are **"Affected Persons"** and this facility will adversely impact each one and destroy much of their heritage, historic landmarks, personal rights and civil rights. No one can question or deny the negative, discriminatory and environmentally dangerous impact on this community and its people. The Applicant of Permit 2376 has disregarded the health, safety, welfare and economic impact on these citizens, their homeland and their future. Why did the Applicant locate the public announcement sign on the back remote corner of the property next to the rubble and trees to not be seen by the majority of these citizens? These citizens pass along the corner of Old Jones Road and Stewarts Meadow and the sign should have been placed at this corner, not in the remote corner where only about 3 residents live. (See attached site map). More will be documented on

this issue in the section on Public Notification. Citizens of the Brushy Community are burdened, concerned and know that Permit 2376 looked down on them as rural, poor, not used to standing up against big money, having prohibitive cost barriers for massive legal fees and not being politically astute against big business. It is evident that the location of Permit 2376 is a discriminatory action and constitutes environmental injustice and racism. Permit 2376 will violate the *“Equal Protection Clause of the Fourteenth Amendment”* and the Executive Director’s Response is disputed for these and many other stated reasons related to Incompatible Land Use.

This is not the first time that the Brushy Community citizens have had to fight against an Environmental Injustice and Environmental Racism. In the mid-1990’s, these same residents fought against the relocation of a large pig farm operation and Permit 2376 is much closer to them and an even greater and dangerous environmental health and safety danger. Ultimately, the pig farm was not built and they were able to protect and maintain their homeland. A copy of the report on this issue is attached. These citizens also had to fight against a Union Pacific railroad relocation proposal in 2001, which was later dropped. So, Incompatible Land Use issues are not new to these citizens who have the right to protect their homeland and heritage which have existed more than a hundred years prior to these threats and that of Permit 2376.

We have been informed by Brushy Community residents and members of CCSHJ that they are in communication and have been given indication that the Environmental Justice Section of the EPA and the NAACP will become involved in this case if Permit 2376 moves forward toward approval. We know that TCEQ will soon have communication and filings from these organizations.

### **INADEQUATE PUBLIC NOTICE:**

TCEQ Comments and Response No. 18: We dispute that the intent of 30 TAC Chapter 39, Subchapters H and I met requirements. We do agree with TCEQ that most of the procedural requirements for notification may have been met. The Response by the Executive Director that persons owning property beyond one-quarter have the right to participate is important and pertinent. Very few citizens who qualify as “Affected Persons” were directly informed and provided the details and magnitude of a 111 foot landfill of 32 acres on only 42 acres. These details were finally provided at the poorly attended Public Hearing on July 19, 2012. The limited attendance was the result of the fact that citizens did not receive adequate notification, did not know the magnitude of the project and had been lead to believe that the facility was to be just above grade level. One resident who lives directly across the street from Permit 2376 was even told by the Applicant that the facility would look like a manicured cow pasture (Signed statement from Ed Bounds attached). We find this troubling and even suspiciously deceptive. Most of the residents of the minority Brushy Community do not even subscribe to the local paper, *The Eagle*, and did not see the publication notices in the classified section. Thirteen of the residents of the Brushy Community, who believe that they live within the one-quarter mile mailing notification requirement, claim that they never received the mailed notification about the Public Hearing. Some of these residents may well live within the one-quarter mile radius while some may live just a few feet outside it. They will also be “Affected Persons” and will still have to endure all the same dangers, which are not reduced by living just a few feet farther. A list of these residents who believe that they have been wronged is attached. It is evident that CCAA never cared that the residents, and particularly the minority Brushy Community residents knew about the proposal. The public notice sign was purposely placed on the far remote corner of the proposed site and Brazos Valley Recycling property and on the scarcely traveled

road of Stewarts Meadow. The sign is located among the trees and stacked-up and uncovered debris of the owner's current operation. It is clear that this public notification sign should have been placed at the corner of Stewarts Meadow and Old Jones Road if there was intent for it to be seen and to be visible to the citizens of the area, particularly the Brushy Community residents who live on the many streets just up Old Jones Road from Stewarts Meadow Road. (See attached pictures). Permit 2376 even states the location to be at Old Jones Road and Stewarts Meadow Road. So, why was not the posted sign placed at this location if the intent was to inform the public? This is huge question. The residents in the surrounding rural subdivisions did not know until the media provided details revealed at the Public Hearing on July 19, 2012, that the facility would also severely and permanently impact them due to the height of 111 feet on only 32 acres, as well as the environmental health dangers and traffic safety issues from increased heavy truck traffic carrying up to 200 tons of waste material per day. Once these facts became known, a community meeting was held on August 28, 2012, with more than 200 concerned citizens in attendance. Subsequently, the CCSHJ with its more than 133 current and growing number of members was formed with very limited and unequal time to research, consult, raise financial support and prepare any response and request. CCSHJ disputes and submits these facts under Comment and Response 18 to show that 30 TAC Chapter 39, Subchapters H and I and Rule 30 TAC, 330.59 (c)(3)(A) were only in part met and that the overall intent of these rules were not met.

## **REGIONAL SOLID WASTE PLAN:**

**Brazos Valley Council of Governments:** TCEQ Comments and Responses No. 9: We strongly dispute the Executive Director's Responses and present the following factual basis of this dispute. The case was made and submitted to TCEQ on January 20, 2012, by the Brazos Valley Council of Governments (BVCOG) that Permit 2376 would be incompatible with the RSWMP's goals of **"maintaining appropriate buffers and setbacks from sensitive land use"** and **"minimizing the negative visual impacts."** BVCOG SWAC recommended by **UNANIMOUS** decision that the **"permit not be granted until the noted deficiencies are corrected."** (Copy attached). We dispute the Response and do not believe that these noted deficiencies have been or can be corrected and that Permit 2376 is still in non-conformance. TCEQ stated in its response that the RSWMP does not define these areas that should be provided with buffers or define an appropriate distance for these buffers. We dispute this since any definition or specific criteria will depend on the dimensions, acreage, height and location of any landfill. The BVCOG SWAC has the experience, expertise and history of making proper decisions and requirements as confirmed by its approval of the new Twin Oaks Landfill facility for both the cities of Bryan and College Station. This is the basis for the BVCOG SWAC decision. A comparison of Permit 2376 and Twin Oaks documents this fact that the BVCOG SWAC criteria and actions were and are still valid and pertinent. This action provided for the responsible protection of Brazos County, City of Bryan and City of College Station citizens. The Twin Oaks facility states that it is located in an undeveloped rural area and it is some 6.6 miles from College Station and a similar distance from Bryan. Permit 2376 is only 1.7 miles from College Station and 1.3 miles from Bryan and is in a populated rural area. Twin Oaks is a facility of 214 landfill acres on a site of 610 acres which calculates to a 1 to 3 ratio of landfill to buffer or barrier space. Permit 2376 will be a 32 acre landfill on only 42 acres which calculates to only a 1 to 1.3 landfill to buffer or barrier space. Twin Oaks can grow to a height of 186 feet on the 210 acres, while Permit 2376 will be 111 feet on only 42 acres and this ratio difference poses many issues as related in previous sections and clearly the negative visual impacts. Twin Oaks will not be able to be visualized from its location off Hwy.30 with berms and landscaping applications and its distance from Hwy. 30. There is **absolutely no way** that Permit 2376 will not become an unacceptable visual eye sore at 111 feet

tall and only 1,300 feet from Hwy. 60. Yes, this does have some “apples to oranges” comparison. However, the basic principles and the position of the BVCOG SWAC are valid and should not be allowed to be overridden in this case by the State and those who do not live in the area.

The Response regarding the “negative visual impact” is disputed and totally unacceptable when it states, *“With regard to the negative visual impacts, the Executive Director is authorized by 30 TAC, 330.175 to require visual screening of deposited waste material where necessary. The Executive Director has not been provided with information to justify requiring additional screening for this facility.”* We dispute this Response based upon the fact that the very dimensions in Permit 2376 provide this information with the impossibility of a 111 feet high landfill only 1,300 feet from Hwy. 60 to College Station and adjacent to the roadways into the neighborhoods not creating an unacceptable visual impact. Since TCEQ does not accept the fact of negative visual impacts as calculated in the factual dimensions in Permit 2376 or the decision of the BVCOG SWAC, CCSHJ submits this dispute and the factual basis and information for such a submission. We further submit that common sense combined with the dimensional calculations of Permit 2376 should carry weight when decisions affecting and impacting hundreds of citizens are made. We ask the Executive Director to re-evaluate this issue and agree with the BVCOG SWAC and the Concerned Citizens for Safety, Health and Justice.

The Response also included a statement regarding the proper and safe operation of a solid waste facility in the BVCOG Region. We dispute this Response based on current operation of the recycling facility and the probability of continuing environmental hazards. The attached pictures taken at the site show how storage of piled up debris is not covered and subject to wind and rain run-off and there are not barriers or proper fencing to prevent negative visual impacts or blown debris. Residents across the roads and in the adjacent areas can document the almost daily release of plumes of dust and other airborne particles from the facility. Many of the residents currently suffer from the effects of these airborne particles. (Attached copy of letter from Cora Rogers to TCEQ). To approve Permit 2376 would only increase these environmental health hazards and visual impacts.

### **City of College Station:**

The City of College Station is caught in a difficult and politically sensitive position where it cannot do what its citizens and Council members would like to do. With its new Twin Oaks Landfill, it cannot take a public position on Permit 2376. This would result in claims of an unfair advantage or competition between government and private enterprise (Permit 2376). However, individual Council members have spoken to members of CCSHJ and told them that they are personally highly opposed and wish that they could do more to stop Permit 2376. They are convinced that Permit 2376 will have a permanent adverse impact on the proper growth, the citizens, residential development and economic development of the city and its ETJ. Permit 2376 is simply too close to the expanding College Station city limits and its plans for future annexation, which could well include the Brushy Community, Oaks Hills Subdivision and the Franklin Estates Subdivision. It is interesting to note that on the TCEQ Central Registry Query Permit 2376 states, **“Nearest City: No near city on file,”** when in fact, the City of College Station is 1.7 miles away and getting closer with each passing year. The City of College Station is a member of BVCOG and supported the unanimous recommendation to deny Permit 2376. This cannot be ignored, as well as the issue of growth patterns in the entire area. These are undisputable facts which dispute the Response in No. 9 and are germane and pertinent to the final decision of TCEQ

**CLOSING STATEMENT:**

This request has been written and submitted by citizens of the CCSHJ, and not attorneys. While we have and will continue to have discussions with experts and attorneys, we have wanted to stay away from the long and expensive legal process if we can achieve an acceptable resolution. We would hope that the Applicant would share the same attitude and responsible actions. As responsible tax-paying citizens of the State of Texas, we are to be afforded the same protection, services and consideration by TCEQ as the Applicant according to State law.

**THREE RESPECTFULLY SUBMITTED REQUESTS TO TCEQ:**

1. **We Request Reconsideration of the Executive Director's Decision to approve this application and to request denial for construction and operation of this proposed facility based upon the compelling reasons given in this document. If this is not granted, we further request No. 2 as given below.**
2. **We Request a Contested Case Hearing.**
3. **We further Request that TCEQ provide CCSHJ an extension of ninety (90) days from the October 24, 2012, deadline to provide additional factual and expert information and documentation to support the Request for a Contested Case Hearing. This extension will allow the CCSHJ adequate and more equitable time to work with additional technical consultants, legal experts, our own citizens, the EPA and the NAACP since environmental injustice will occur if this permit is approved.**

Respectfully submitted on this date, October 22, 2012, by the attached list of Concerned Citizens for Safety, Health and Justice of Precinct 4 Brazos County Texas, who will all be severely and permanently impacted by approval of this application and who have all given their personal signatures to be included in this request:

Attach. List of Residents of CCSHJ submitting this Request  
 Copy of particulate matter index for College Station area  
 Copy of updated FEMA Floodplain  
 Water wells within one (1) mile  
 Copy of *The Eagle's* editorial of September 9, 2012  
 Copy of Opinion Editorial in *The Eagle* of September 30, 2012  
 Site map of posted public notice sign on Permit 2376 property  
 Copy of Report of previous environmental racism against Brushy Community  
 Resident's statement regarding Applicant's communication about land usage  
 Pictures of posted public notice sign on Applicant's property  
 Copy of BVCOG SWAC document opposing Permit 2376  
 Pictures of current recycling operations  
 Letter to TCEQ from private individual documenting current airborne particles

**CONCERNED CITIZENS FOR SAFETY, HEALTH AND JUSTICE  
PRECINCT 4 BRAZOS COUNTY TEXAS  
October 22, 2012**

The following list constitutes the members of Concerned Citizens for Safety, Health and Justice opposed to Permit 2376 and who are submitting this request. All members have signed forms to support the request for Reconsideration of the Executive Director's Decision and a Contested Case Hearing. These members are "Affected Persons" with personal justifiable reasons related to a legal right, duty, privilege, power, or economic interest affected by this application.

Jesse Galran  
7450 Old Jones Rd.  
College Station, TX 77845

Albina Villarreal  
7452 Old Jones Rd  
CS, TX 77845

Marilyn Gilbert  
8740 Mark Rd  
CS, TX 77845

Rev. Eric Gooden  
6909 Raymond Stotzer  
CS, TX 77845

Lisa Mitchell  
7301 Old Jones Rd.  
CS, TX 77845

Jarvis Ford  
8737 Rickey Lane  
CS, TX 77845

Christine Butler  
8770 Mark  
CS, TX 77845

Gayla Banks  
8770 Mark  
CS, TX 77845

Greg Banks  
8770 Mark  
CS, TX 77845

Kierra Moore  
8769 Mark  
CS, TX 77845

Kiasha Moore  
8769 Mark  
CS, TX 77845

Gerron Moore  
8769 Mark  
CS, TX 77845

Jade Scott  
8706 Dott St..  
CS, TX 77845

Tranika Montgomery  
8769 Mark  
CS, TX 77845

Mary Payton  
7490 Old Jones Rd  
CS, TX 77845

KiAsia Wade  
8735 Tyree  
CS, TX 77845

Asael Matamoros  
8773 Dott St.  
CS, TX 77845

Gracie Hemphill  
8737 Ricky Lane  
CS, TX 77845

Michael Johnson  
8769 Mark  
CS, TX 77845

Tamela Johnson  
8769 Mark  
CS, TX 77845

Neftali Mendoza  
8773 Dott St.  
CS, TX 77845

Jamarion Lockett  
8770 Mark  
CS, TX 77845

Jamonia Wade  
8735 Tyree  
CS, TX 77845

Raegor Tuggle  
8770 Mark  
CX, TX 77845

Crawford Banks  
8770 Mark  
CS, TX 77845

Jaidah Wade  
8735 Tyree  
CS, TX 77845

Jevalen Stovall  
8735 Tyree  
CS, TX 77845

Cedrick Wade II  
8735 Tyree  
CS, TX 77845

William Hosey  
8741 Mark  
CX, TX 77845

Cedrick Wade  
8735 Tyree  
CS, TX 77845

Sandra Hosey  
8740 Mark  
CS, TX 77845

Brandon Burford  
8769 Mark  
CS, TX 77845

Clifton Montgomery, Jr.  
8769 Mark  
CS, TX 77845

Tevin Mitchell  
7301 Old Jones Rd  
CS, TX 77845

Timothy Mitchell  
7301 Old Jones Rd.  
CS, TX 77845

Tona Mitchell  
7801 Old Jones Rd  
CS, TX 77845

Lupe Garcia  
7336 Raymond Stotzer Pk  
CS, TX 77845

Mary S. Garcia  
7294 Raymond Stotzer Pkwy.  
CS, TX 77845

Byron Burrell  
8175 Raymond Stotzer Pkwy.  
CS, TX 77845

Linda Millhollon  
9505 Twelve Oaks  
CS, TX 77845

Elaine Bounds  
9411 Twelve Oaks  
CS, TX 77845

Novella Jones  
8768 Vincent Rd  
CS, TX 77845

Anne Raymond  
9755 Dogwood Trail  
CS, TX 77845

Linda Gardner  
7903 Drummer Circle  
CS, TX 77845

James Mitchell  
8474 Smith Lane  
CS, TX 77845

Eugenia P. McMullen  
9395 Dew Rd.

Mary Pletzev  
8458 Smith Lane  
CS, TX 77845

Teighlor Mitchell  
7301 Old Jones Rd  
CS, TX 77845

Troi Mitchell  
7301 Old Jones Rd.  
CS, TX 77845

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CS, TX 77845

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CS, TX 77845

Walter Parnell  
7378 Raymond Stotzer Pkwy.  
CS, TX 77845

Hudney Mack  
7676 Raymond Stotzer Pkwy.  
CS, TX 77845

John Millhollon  
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CS, TX 77845

Ruby L. Simpson  
8793 Smith Lane  
CS, TX 77845

Albert Schaffer  
10055 Runaway  
CS, TX 77845

Sherri Welen  
9845 Dogwood Trail  
CS, TX 77845

Rick Gardner  
7903 Drummer Circle  
CS, TX 77845

Bob England  
10303 Dogwood Trail  
CS, TX 77845

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CS, TX 77845

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CS, TX 77845

Justin Hosey  
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CS, TX 77845

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CS, TX 77845

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CS, TX 77845

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CS, TX 77845

Ethel Marshall  
7746 Raymond Stotzer Pk  
CS, TX 77845

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CS, TX 77845

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CS, TX 77845

Anderson Jones  
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CS, TX 77845

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CS, TX 77845

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CS, TX 77845

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CS, TX 77845

Larry Payton  
CS, TX 77845

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CS, TX 77845

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CS, TX 77845

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CS, TX 77845

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CS, TX 77845

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CS, TX 77845

Gene Hix  
6047 Raymond Stotzer Pkwy.  
CS, TX 77845

David Tyler Jr.  
906 Henderson St.  
Bryan, TX 77803

Catherine Clark  
6165 Bar nwood Dr.  
CS, TX 77845

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6575 Beatriz  
CS, TX 77845

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CS, TX 77845

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CS, TX 77845

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6500 Raymond Stotzer Pkwy  
CS, TX 77845

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8708 Tyree  
CS, TX 77845

Opell Wiley  
7047 Raymond Stotzer Pkwy  
CS, TX 77845

Martha Hix  
6047 Raymond Stotzer Pkwy.  
CS, TX 77845

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CS, TX 77845

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CS, TX 77845

Jimmy Pletzer  
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CS, TX 77845

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CS, TX 77845

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CS, TX 77845

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CS, TX 88945

Isaac Butler  
9893 Vincent Rd.  
CS, TX 77845

Argie Butler  
8783 Vincent Rd.  
CS, TX 77845

Brook Rowan  
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CS, TX 77845

Jim Welch  
9845 Dogwood Trail  
CS, TX 77845

Sylvia Welch  
4856 Rymond Stotzer Pk.  
CS, TX 77845

Janice Daniels  
9268 Lightsey Lane  
CS, TX 77845

Brett Edmondson  
9864 Valley View  
CS, TX 77845

Gladys Benfort  
7165 Raymond Stotzer Pkwy.  
CS, TX 77845

Curtis Lusk  
9342 White Creek Rd.  
CS, TX 77845

Kriss Boyd  
1202 Ashbur n  
CS, TX 77840  
(owns 2 lots on Stewarts Meadow)

Joyce Ellin Newton  
3001 Red Robin Loop  
P. O. Box 1563  
Bryan, TX 77802  
(owns property at 7540 Raymond Stotzer Pkwy.)

Bartlett B. Holland  
6224 Los Robles  
CS, TX 77845

John Marchisio  
5815 Los Robles Dr.  
CS, TX 77845

Joyce Marchisio  
5815 Los Robles Dr.  
CS, TX 77845

Charlene Lusk  
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CS, TX 77845

Hazel W. Holland  
7224 Los Robles  
CS., TX 77845

Milton Daniels  
9268 Lightsey Lane  
CS, TX 77845

Martha A. Williams  
8793 Jones Rd.  
CS, TX 77845

# Particulate Matter - College Station

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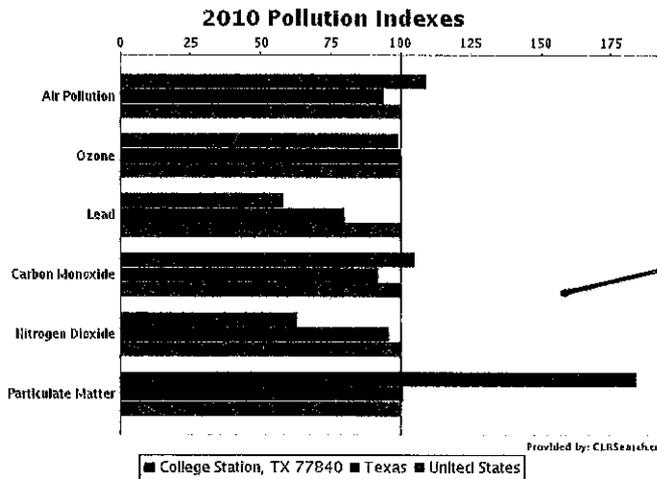
Home » Summary » College Station, Texas 77840 Demographics - Pollution Indexes

## College Station, TX 77840 Pollution Indexes

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2010 Pollution Indexes	College Station, TX 77840	Texas	United States
Air Pollution Index	109	94	100
Ozone Index	99	100	100
Lead Index	58	80	100
Carbon Monoxide Index	105	92	100
Nitrogen Dioxide Index	63	96	100
Particulate Matter Index	184	101	100

The data for College Station, TX 77840 may also contain data for the following areas: College Station

Index score: (100 = National Average) for an area is compared to the national average of 100. A score of 200 indicates twice the national average, while 50 indicates half the national average.

Information is deemed reliable but not guaranteed. Demographic Information FAQ

### College Station, Texas 77840 Demographics Summary

College Station, Texas 77840 Demographics - Crime Rate Indexes

College Station, Texas 77840 Demographics - Education Level Profile and Enrollment Statistics

College Station, Texas 77840 Demographics - Quality of Life Indexes

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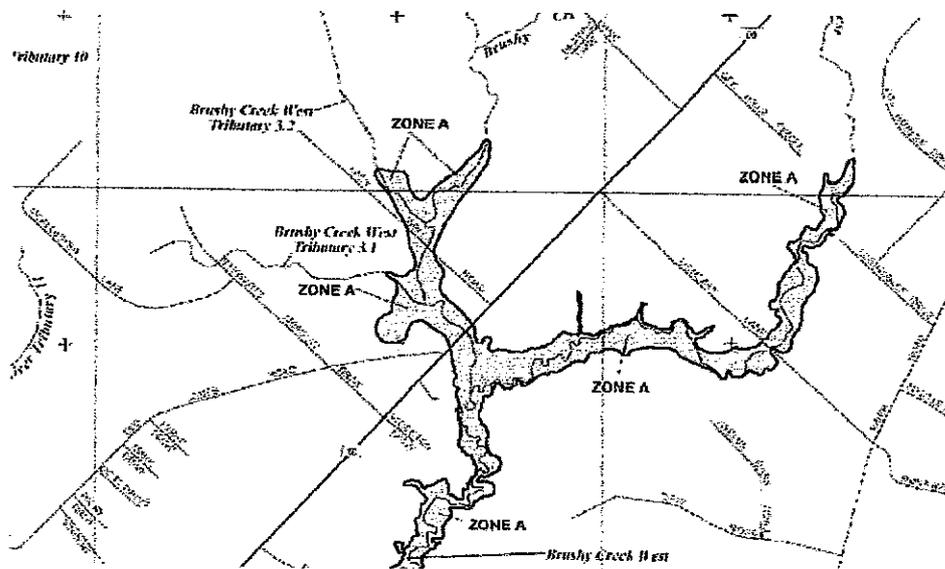
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**3.1.6 Oil/Gas and Water Wells**

The locations of groundwater and oil/gas wells within one mile of the property boundaries of the facility were determined based on a database search performed by Banks Information Solutions, Inc. (Banks) of Austin, Texas. All wells identified are listed in Tables 3-3 and 3-4 and shown on Part III, Figure 3-2. Three water wells were identified within a 500-foot radius of the site, as shown on Part III, Figure 3-2. No oil/gas wells were identified within a 500-foot radius of the site.

**Table 3-3. Recorded Oil/Gas Wells Within One-Mile of the Facility**

Map ID	API#	Completion Date	Plug Date	Drilled Depth (ft)	Status/Comments
OGW-1	42-041-30713-00	2/9/1982	Unknown <sup>1</sup>	5,262	Injection / Disposal
OGW-2	42-041-30713-00	Unknown <sup>1</sup>	Unknown <sup>1</sup>	Unknown <sup>1</sup>	Injection / Disposal
OGW-3	42-041-31986-00	N/A	1/12/2007	Unknown <sup>1</sup>	Dry Hole
OGW-4	42-041-31519-00	1/14/1992	Unknown <sup>1</sup>	12,840	Horizontal Drainhole
OGW-5	42-041-30987-00	N/A	1/6/1984	Unknown <sup>1</sup>	Dry Hole
OGW-6	42-041-31992-00	N/A	1/19/2007	Unknown <sup>1</sup>	Dry Hole
OGW-7	42-041-31574-00	2/9/1992	6/27/1996	12,392	Horizontal Drainhole
OGW-8	42-041-31442-00	N/A	12/22/1988	Unknown <sup>1</sup>	Dry Hole
OGW-9	42-041-31534-00	12/14/1991	Unknown <sup>1</sup>	10,853	Horizontal Drainhole
OGW-10	42-041-31534-00	12/14/1991	Unknown <sup>1</sup>	10,853	Horizontal Drainhole

Notes:

N/A = Not Applicable

1. Information not provided by Banks has been noted with an Unknown entry.

**Table 3-4. Recorded Water Wells Within One-Mile of the Facility**

Well Number	Use	Water Source (Aquifer)	Owner	Well Depth (ft-BGS)	Altitude of Land Surface (ft-msl)	Completion Date	Depth to Water <sup>1</sup> (ft-BGS)	Water Level/Elev. (ft-msl)	ATT-4-20 ID
59-29-6U	Domestic	Yegua	Norman Godwin	246	274	12/3/1977	115	159	WW-1
59-29-6L	Domestic	Yegua	S.A. Nazi	287	280	7/21/1977	150	130	WW-2
59-29-6Z	Domestic	Yegua	N.J. Rowan	308	273	9/15/1982	102	171	WW-3
59-29-6L	N/A <sup>2</sup>	Yegua	Louis Burkhalter	288	277	8/3/1973	30	197	WW-4
59-29-603	Public Supply <sup>3</sup>	Sparta	Brushy WSC	1110 <sup>3</sup>	291	7/26/1966	30	211	WW-5
G0210014A	Public Supply	Sparta	BRUSHY WSC	1110	290	8/31/1966 <sup>3</sup>	30	210	WW-6
59-29-6S	Domestic	Yegua	Mike May	480	270	7/29/1978	98	172	WW-7
59-29-6S	Domestic	Yegua	Claude Martinez	490	281	7/6/1976	69	212	WW-8
WHD93797	Domestic	Yegua	Carlos Boillat	369 <sup>3</sup>	267	9/12/2006	34	183	WW-9
WHD140122	Domestic	Yegua	Dr. Gene Hix	320	276	11/5/2004	118	158	WW-10
59-29-6	Domestic	Yegua	Dean Gage	593	260	3/25/1999	185	175	WW-11
59-29-6V	Domestic	Yegua	Arthur Lightsey	293	280	2/28/1978	90	190	WW-12

*Brazos Valley Disposal Facility  
Permit Application  
Parts I & II*

Well Number	Use	Water Source (Aquifer)	Owner	Well Depth (ft-BGS)	Altitude of Land Surface (ft-msl)	Completion Date	Depth to Water <sup>1</sup> (ft-BGS)	Water Level/Elev. (ft-msl)	ATT-4-20 ID
59-29-6Y	Domestic	Yegua	Jimmy Pletzer	299	297	3/13/1980	99	198	WW-13
59-29-6E	Domestic	Yegua	Alan Payne	300	286	3/29/1972 <sup>3</sup>	70	216	WW-14
59-29-6	Domestic	Yegua	Art Lightsey	362	291	2/15/2001	75	216	WW-15
59-29-5	Domestic	Yegua	Thomas Skrivaneck	380	283	7/14/2000	123	160	WW-16
59-29-6X	Domestic	Yegua	Ed Baxter	360	302	10/4/1979	nr	-	WW-17
59-29-6	Domestic	Yegua	John Millholton <sup>2</sup>	332	284	2/10/2000	111	173	WW-18
59-29-605	Domestic	Yegua	N.J. Rowan	307	280	4/15/1969 <sup>3</sup>	70	210	WW-19
59-29-602	Unused	Yegua	B.J. Varisco	30	270		48	222	WW-20
59-29-6	Domestic	Yegua	Tom Skrivaneck	380	284	7/3/1986	101	183	WW-21
59-29-6W	Domestic	Yegua	George Green	270	312	10/4/1978	92	220	WW-22
59-29-6	Plugged <sup>3</sup>	Yegua	Mary Marzette	320	314	nr	nr	-	WW-23
59-29-5B	Domestic	Yegua	W.H. Haley	505	230	9/23/1977	62	168	WW-24
59-29-5	Oilfield Supply	Yegua	Union Pacific Resources	470	251	12/6/1991	20	231	WW-25
59-29-5A	Domestic	Yegua	Larry Orsak	378	263	5/6/1976	89	174	WW-26
59-29-6C	Domestic	Yegua	Tom Carpenter	220	302	10/15/1976	105	197	WW-27
59-29-6C	Domestic	Yegua	W.C. McMullan	375	299	12/31/1971	90	209	WW-28
59-29-5	Oilfield Supply	Yegua	Sage Energy	270	261	10/28/1991	60	201	WW-29
59-29-6B	Domestic	Yegua	Marvin Byrd	276	301	12/23/1971	80	221	WW-30
59-30-1	Domestic	Yegua	Glean Smith	335	290	1/1/21/1996	105	185	WW-31
59-29-6H	Domestic	Yegua	Kenneth Mack	504	289	5/17/1976	88	201	WW-32
59-29-6H	Domestic	Yegua	H.V. Jones	307	294	9/29/1973	90	204	WW-33
59-29-606	Domestic	Yegua	B.B. Holland	190	302	4/27/1963 <sup>3</sup>	64	238	WW-34
59-29-6N	Domestic	Yegua	Gene Knox	182	285	6/15/1974	41	244	WW-35

Notes:

BGS = below ground surface

msl = mean sea level

nr = not reported

uwd = unknown well depth

1. Depth to Water obtained from the installation reports.

2. Not indicated on the installation report.

3. Revised data obtained from the installation report.

Altitude of Land Surface was determined based on the USGS Digital Elevation Model (DEM) file (DEM 10M\_3096\_29) that corresponds to the 7.5-minute quadrangle "Chancés Store, TX"

## EDITORIAL

# Put landfill in a different location

Eagle Editorial Board

**L**andfills are a necessary fact of life, but probably nothing generates more passionate opposition than the location of a proposed dump. Landfills have to go somewhere, but no one wants one in his or her neighborhood.

Such is the case with a privately owned landfill along Raymond Stotzer Parkway west of College Station near the intersection with Stewart's Meadow. Landowner Charlie Mancuso, who operates Brazos Valley Recycling at the location, wants to add a disposal site mostly for construction waste and brush. He has asked the Texas Commission on Environmental Quality for permission to open the landfill.

The proposed site already is being used for mining sand and there is a deep depression there. If approved, the material dumped in the landfill would fill the depression and climb to the height of 111 feet above the surrounding land. Mancuso says it probably would take some 30 years to reach that height.

Brazos Valley Recycling currently handles about 40 trucks a day, a number that eventually would climb to an estimated 196 trucks a day if the landfill is allowed to open.

Many of the neighbors in the area, most caught by surprise with no notice of the application for a landfill, oppose the project. As we said, no one wants it in their neighborhood.

Project supporters are happy the current hole in the ground will be filled. And, Mancuso's landfill would keep a lot of construction waste out of the municipal landfill in Grimes County, thus extending the life of that facility.

But the location of Mancuso's proposed landfill is troubling. Raymond Stotzer Parkway — F.M. 60 — is a major entrance into the city of College Station and Texas A&M University. It isn't the prettiest entrance to the city, to be sure, but it could be. Not with a 111-foot tall landfill just off the highway, though.

Further, the area along Raymond Stotzer Parkway is part of the "biomedical corridor" recently designated by the cities of College Station and Bryan to take advantage of the nearby Texas A&M Health Science Center. The center is expected to generate a lot of interest from health-related companies in building in the area. Its not hard to see how such development would benefit the twin communities and the entire area. Jobs, tax payments and further development can be expected.

A landfill close to the area certainly might cause interested companies to pause and, perhaps, relocate in another city. As one of the opponents of the landfill said, "A trash site would be economic suicide."

The Solid Waste Advisory Board of the Brazos Valley Council of Governments has voted to oppose the landfill project, in part because of the additional trucks it would bring to an already busy highway.

The idea of a private landfill for brush and construction waste has appeal, just not in the location Mancuso proposes. The Texas Commission on Environmental Quality should reject the application.

## **LANDFILL SITE WRONG, WRONG, WRONG**

**Special to *The Eagle***

**Dr. E. Dean Gage**

**Sunday, September 30, 2012**

The Eagle's editorial on Sunday, September 9, 2012, the unanimous opposition of the Solid Waste Advisory Board of the Brazos Valley Council of Governments and the letter by Andreas Kronenberg in The Eagle on September 26, 2012, were right on target regarding the unbelievable proposed location for the Brazos Valley Disposal Facility in the middle of our populated area and rural subdivisions just off Hwy. 60 West. In real estate, the operating principle is location, location, location. It is no different for this proposed dump site. Location should be the operating principle! Our health, safety, historic home life, traffic, noise, air pollution, and lifetime investments by hundreds of citizens will be dangerously and permanently impacted if this location is approved. It is inconceivable, incomprehensible and irresponsible that this specific location for an industrial dump site should even be proposed and considered. It is only 1,300 feet from Hwy. 60 – a major corridor and window to College Station and Texas A&M University. It is less than 2 miles from the ever growing College Station City limit and within the city's ETJ. The location is in the middle of a populated area of several hundred citizens, three churches, a daycare center, and the historic Brushy Community. While there may be a need for this dump, it should only be given approval for a more remote location. The Executive Director of the Texas Commission on Environmental Quality (TCEQ) has now ruled that the application for this dump meets the technical requirements. This still does not mean that the location is proper or acceptable, which it clearly is not. Many things might meet the minimum requirements, but are they appropriate and right? This location is another example of one that is not. We have all purchased tires that met the requirements, but they later had blowouts and caused health and safety dangers. There is no guarantee that this will not happen with this location. Local citizens remember the Elf Atochem disaster in the populated City of Bryan which did not seem to pose health hazards when built, but later became a horrific albatross impacting the lives and health of many citizens. The proposed location of this dump is just plain **WRONG** and an example of poor citizenship and lack of concern for neighboring homeowners, rural subdivisions and tax-paying Brazos County residents.

The whole application process for this dump has been flawed in relationship to the citizens surrounding the location and it proceeded almost in secrecy until it was exposed that the dump would be built to a height of 111 feet or some 11 stories high. Only residents within one-quarter mile from the location were sent direct communications about the one and only public hearing on July 19, 2012. The notice in the local paper was buried in the classified section and very few people even saw

it. If the dump were to be grade level (not 11 stories), this notification might have sufficed. If all safety and health hazards could be met for a grade level dump site into the existing sand pits, most residents could become accepting. But, a dump the height of Kyle Field will impact hundreds of residents for over a mile or two adjacent to the location. Greater dangers and problems will occur when the dump site comes out of the ground and starts to grow to its proposed 11 story height. The buffer zone for an 11 story dump of 32 acres on only 42 acres may in time prove to be inadequate. Anyone can observe how this will impact us by driving on I-45 North past the City of Ennis and seeing the unsightly dump mountain, not even in a populated area. While the solid waste material there might be different than this location, the dump mountain is not.

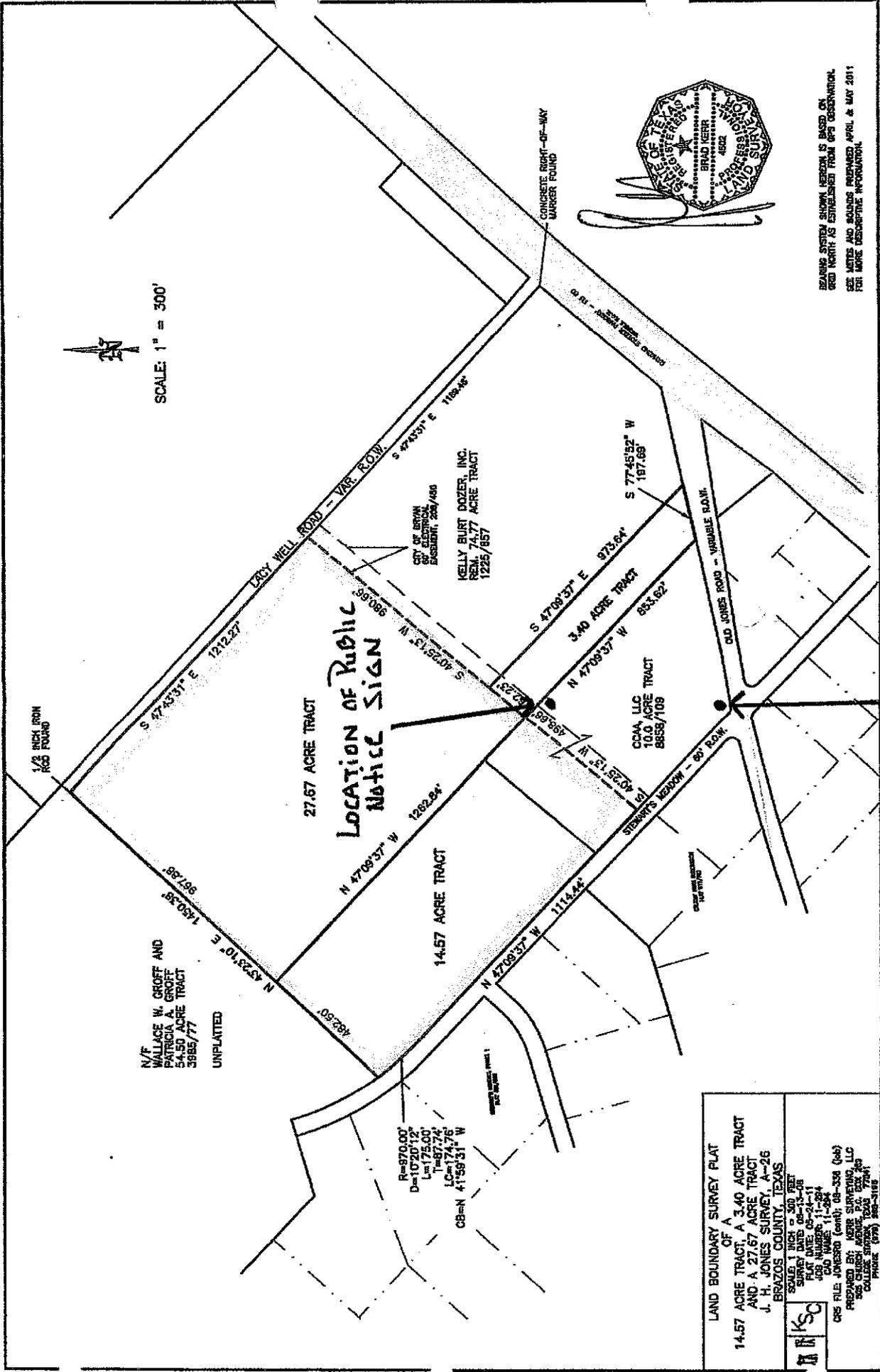
When our concerned citizens became aware of this application and the magnitude of the project, a homeowners meeting was held on August 28, 2012, with more than 200 in attendance. These citizens are now energized, organized and funded to stop such a dangerous dump in our homeland. Do the dump owners think that the homes in the minority community closest to the site are not worthy to be considered or that the residents would not have the know-how and finances to resist and fight? The owner should find a more appropriate location or propose and accept a variance to only fill the dump site to grade level which, in our opinion and research, may still hold health and environmental dangers. It is interesting to note that the owner does not live near the dump location and can retreat to his home and escape the health dangers, noise, dust, potential water runoff and heavy truck traffic he will create. Many of our concerned citizens who live south of Hwy. 60 and within a mile or two of this location and who have invested their life's savings into beautiful homes in the Franklin Estates and other rural subdivision will not have the opportunity to escape unless they sell their homes and move. Is this right? No! We selected our rural subdivisions just like our neighbors in the city to have good neighbors, beautiful landscapes and quiet streets. When we invested our hard earned money over many years into our dream homes and family life style, we never thought that we would be threatened by an 11 story high industrial waste dump.

This application (TCEQ No. 2376) was presented to the Solid Waste Advisory Board of the Brazos Valley Council of Governments which unanimously voted against approval. Why would not TCEQ do the same? Why has TCEQ let this move forward? Do not local governments and their citizens have any rights left? Have big money and politics overruled common sense and the integrity of public trust and local citizenship? Unless there are known upcoming major demolitions to be deposited in this location, why would any owner of a dump propose an 11 story dump site in the middle of his neighbors? An owner could still make plenty of money by moving the location to a more appropriate location. However, money and good will toward

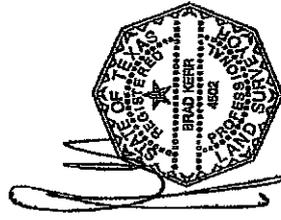
neighbors do not always go together. Are behind the scenes factors moving this improper location forward? Our concerned citizens have asked, "Is this location being submitted at this specific time to receive the tons and tons of debris from the demolition of the Kyle Field decks?" No answer has been given to our knowledge. If this is to be the dump site, then take the refuse materials to the remote and unpopulated hundreds of acres on the west side of the Riverside Campus. If this is not the case and the location is to serve the whole Brazos Valley as the name suggests, then it should still be moved for all the right reasons and for regional industrial waste. This would be good responsible citizenship and a lot of good will demonstrated.

We are being very careful to make absolutely no accusations, but suspicions are being brought to us for investigation. We can only trust that money and power politics outside our homeland in Brazos County are not driving this unsafe and inappropriate location when there are many remote alternative locations. Our concerned citizens are asking and petitioning TCEQ and the owner to take responsibility and do the right thing by not approving this location or to find a more appropriate remote location or an acceptable compromise for the benefit of everyone impacted. This would save us all months of unnecessary confrontations, expenses, delays and unwanted media exposure. There are many things that are right for the right reasons. There are many things that are wrong for the right reasons. This proposed dump location is **WRONG FOR THE RIGHT REASONS: LOCATION, LOCATON, LOCATION.**

**SITE MAP SHOWING LOCATION  
OF  
POSTED PUBLIC NOTICE SIGN ON  
REMOTE CORNER PROPERTY**



SCALE: 1" = 300'



BEARING SYSTEM SHOWN HEREON IS BASED ON  
 GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.  
 SEE METES AND BOUNDS PREPARED APRIL & MAY 2011  
 FOR MORE DESCRIPTIVE INFORMATION.

**LOCATION OF PUBLIC  
 NOTICE SIGN**

**LOCATION WHERE PUBLIC NOTICE CAN BE SEEN**

LAND BOUNDARY SURVEY PLAT  
 OF A  
 14.57 ACRE TRACT, A 3.40 ACRE TRACT  
 AND A 27.67 ACRE TRACT  
 J. H. JONES SURVEY, A-26  
 BRAZOS COUNTY, TEXAS

SCALE: 1 INCH = 300 FEET  
 SURVEY DATE: 08-13-18  
 JOB NUMBER: 11-284  
 JOB NAME: 11-284

PREPARED BY: KERR SURVEYING, LLC  
 200 CHURCH AVENUE, P.O. BOX 240  
 CHURCH AVENUE, TEXAS 75751  
 PHONE: (817) 388-1188

N/F  
 WALLACE W. GROFF AND  
 PATRICIA A. GROFF  
 54.50 ACRE TRACT  
 3885/777  
 UNPLATED

R=970.00'  
 D=10750.10'  
 L=1725.00'  
 I=187.775  
 LC=174.75  
 CB=N 41°59'31" W

27.67 ACRE TRACT

14.57 ACRE TRACT

10.0 ACRE TRACT

3.40 ACRE TRACT

KELLY EWERT DOZIER, INC.  
 REM. 74.77 ACRE TRACT  
 1225/857

CITY OF BRYAN  
 EASTMONT 200/480

OLD JONES ROAD - VARIABLE B.W.

LACY WELL ROAD - VAR. R.O.W.

CONCRETE RIGHT-OF-WAY  
 MARKER FOUND

1/2 INCH IRON  
 ROD FOUND

CONCRETE MARKER FOUND



ENVIRONMENTAL JUSTICE RESOURCE CENTER

WELCOME WHAT'S NEW PROGRAMS LINKS

## **REPORT FINDS TEXAS A&M PRACTICES ENVIRONMENTAL RACISM**

A report commissioned by Residents Opposed to Pigs and Livestock (ROPL), a biracial grassroots community group located in College Station, Texas, finds that race was a factor in the evaluation and selection of the site for a multi-million dollar consolidated livestock facility operated by Texas A&M University. A hearing will be held at 10:00AM, Friday, March 13, 1998, in Brazos County's 361st Texas State District Court. The university relocated its animal centers off campus to its Animal Science Teaching Research and Extension Complex or ASTREC . The ASTREC is located in the mostly African American area known as the Brushy community. The sprawling campus farm land where the former animal centers were housed is now home to the George Bush Presidential Library. "If pigs aren't good enough for the Bush Library, they are not good enough for the Brushy community," states Reverend Cedric Rouse.

The rural Brushy community, located across the Brazos River from Texas A&M University's farms known as the "Plantation," dates back more than 100 years. Professor Robert D. Bullard, author of *Dumping in Dixie* and director of the Environmental Justice Resource Center at Clark Atlanta University, prepared the report as part of his testimony for a lawsuit filed by members of ROPL.

Professor Bullard's report concludes that: (1) Texas A&M University officials failed to consider the inequitable distribution of costs and benefits of the animal center to the nearby communities; (2) Texas A&M University officials failed to adequately assess the impacts (i.e., costs and benefits) of the facility on the nearby community; (3) Texas A&M University officials failed to document a site evaluation, ranking, and selection process in which all communities were treated equally without regard to race; (4) Texas A&M University officials failed to adopt an objective, quantifiable, and nondiscriminatory evaluation criteria to assess "community impact;" (5) Texas A& M University officials failed to take into account the cumulative and additive impacts the animal center facility would have on the neighboring community; (6) Texas A&M University failed to give proper notification to home owners, property owners, and residents who live in the Brushy community; (7) Texas A&M University failed to protect the rights of residents who live in the Brushy neighborhood (who are mostly African Americans) the same way they protected residents who lived near the alternate sites who are mostly whites; (8) the siting of the animal center facility in the Brushy community follows a national pattern in which institutionally biased decision making leads to the siting of locally unwanted land uses and industrial facilities, in this case the animal center facility, in low-income and minority communities (this pattern has been noted in several of my books and numerous

articles); and (9) Texas A&M University's site selection process discriminated against the residents of the Brushy community.

Building the consolidated livestock center in the Brushy community to accommodate initially up to four thousand animals, including pigs, goats and sheep, and several hundred cattle, with several large sewage ponds for the treatment of manure, follows a pattern of land use that is widespread in the United States, whereby facilities that negatively impact the health and well being of nearby residents are disproportionately placed in low-income and minority neighborhoods. The number of animals to be housed at the ASTREC was later reduced to 1,300 animals and one sewage pond.

"The small Brushy community is already burdened with polluting facilities and locally unwanted land uses or LULUs," states Dr. Bullard. It has two large gravel pits, an injection well, an asphalt and a cement plant, and the Brazos County Citizens Garbage Collection Station. The addition of the animal center, less than 100 feet from the Brushy community, is yet another nonresidential land use in this small community. Professor Bullard further states, "the Brushy community and similar unincorporated communities are vulnerable to a triple jeopardy' in that they are often rural, poor, and politically powerless against outside interests."

University officials agreed that the livestock center would have negative impacts on the adjacent community. They also voiced concern about the possible negative economic impact a large livestock center would have on adjacent property values and future community economic development opportunities surrounding alternative sites located near white home owners. Ironically, University officials voiced no such concerns about the environmental impacts, economic impacts, and future development opportunities, or land use compatibility surrounding the property located in the Brushy community. "University officials appear to suggest that the mostly black Brushy community is compatible with a consolidated livestock center and the white communities and the George Bush Presidential Library are not," states Professor Bullard. If the livestock facility will depress real estate values in white communities, then it is reasonable to assume that the animal center will have a similar impact on real estate in their community. Brushy community residents are already negatively impacted by the noise from animals, dust, odors, flies, and birds.

Bullard's study reveal that A&M University officials did not use a uniform, objective, and unbiased evaluation criteria to assess environmental and economic impacts and thereby gave less weight and protection to residents surrounding the site in the Brushy community. University officials and Regents expressed no concern that interest in the property near A&M Plantation (i.e., the Brushy community) violated one of their own guidelines, that the site for a consolidated animal complex avoid "conflict with existing population centers," since an established black neighborhood with approximately eighty families lived very close to the site. University officials characterized the site in the Brushy

community as "isolated." This rendering of African American communities as "invisible" is a common characteristic of environmental racism. The process for evaluating the eleven sites was biased in favor of the only site near which a large black community existed, by minimizing or ignoring the site's negative features, especially its small size, the large surrounding population cluster, the presence of several churches and the rural water system serving the area. University officials were more concerned not to place the facility at a location that could negatively affect a predominantly white neighborhood, and the site's future development for commercial or other high value purposes, and the housing areas thought to be near the poultry farm. To protect these more "strategic areas," University officials and the Board of Regents preferred building the consolidated livestock center in a populated area consisting of five registered rural subdivisions, across and down the road from black neighborhoods.

Racial discrimination played an important role in selecting the site for the animal complex in the Brushy community. Various high University and System officials expressed the view that a large animal complex would be incompatible with adjacent population centers, and would interfere with or prevent developments at or near the sites close to Highway 47, such as a hotel-golf course complex. Some key University officials even sought to protect the residents of Westwood Estates, a predominately white subdivision located near one of the alternative sites.

As a public institution, Texas A&M University receives millions of dollars in federal funds. The Texas Agricultural Experiment Station and College of Agriculture at A&M are supported heavily by USDA education and research dollars. Between 1992 and 1996, the Department of Animal Science received a total of \$1.1 million in federal funding. There is clear evidence that the mostly African American Brushy community was treated differently from the white communities located near the alternative sites for the consolidated animal center. University officials acknowledged and weighed the potential environmental and economic impacts of an animal center on the white communities (and considered them to be unacceptable, incompatible, and difficult to justify). No such considerations were given to the potentially negative environmental and economic impacts of an animal center on the mostly black Brushy community. This is tantamount to environmental racism and racial discrimination.

For more information contact:

Dr. Robert D. Bullard  
Environmental Justice Resource Center  
(404) 880-6911

Residents Opposed to Pigs and Livestock  
Rev. Cedric Rouse  
(713) 779-2356

Dr. Al and Ruth Schaffer  
(409) 846-7240

Attorney Robert E. Hager  
(214) 965-9900

If you would like to view Dr. Bullard's full affidavit click [HERE](#)

Click [HERE](#) for EJ NEWS

[top of page](#)

**STATEMENT FROM MR. ED BOUNDS**  
**8301 MCALLESTER LANE**  
**COLLEGE STATION, TX 77845**  
**October 8, 2012**

My name is Ed Bounds and I live only 2 blocks from the proposed site of the Brazos Valley Disposal Facility Application No. 2376. I received a letter about the proposed site location. I called and spoke with the owner, Mr. Mancuso, of Brazos Valley Recycling (BVR) who had submitted this application. I asked him what his plans were for this site, so that I could decide if I would protest the application. I also called the State Agency that was posted on his sign to talk about the application and confirm his claim made to me. I was told by the agency that the application was not for household trash and garbage.

Mr. Mancuso of BVR told me on a ten minute phone call to him, and later in a personal meeting, that if the application is approved, he would buy the additional 20 acres next to his facility (BVR) and make it look like a cow pasture. If not, he would not buy the land and it would remain an open sand pit hole and eye sore. He told me there would be no increase truck traffic. The application states otherwise. He never told me that the landfill would be any higher than grade or eye level. He told me it would be improved to be a cow pasture. It is now apparent from the application that he plans to have it over 100 feet high from grade level. I was never told in advance of the public hearing that the height was to be over 100 feet. If my neighbors in the Brushy Community adjacent to this site had known this information, I believe that they would have been present in mass to protest. We needed the truth.

Respectfully submitted and signed:

A handwritten signature in cursive script that reads "Ed Bounds". The signature is written in black ink on a white background.

**PICTURES SHOWING LOCATION  
OF  
POSTED PUBLIC NOTICE SIGN**

PROPOSED PERMITTED LANDFILL FACILITY  
FOR FURTHER INFORMATION ON HOW YOU CAN PARTICIPATE  
IN THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)  
PERMITTING MATTERS, CONTACT TCEQ

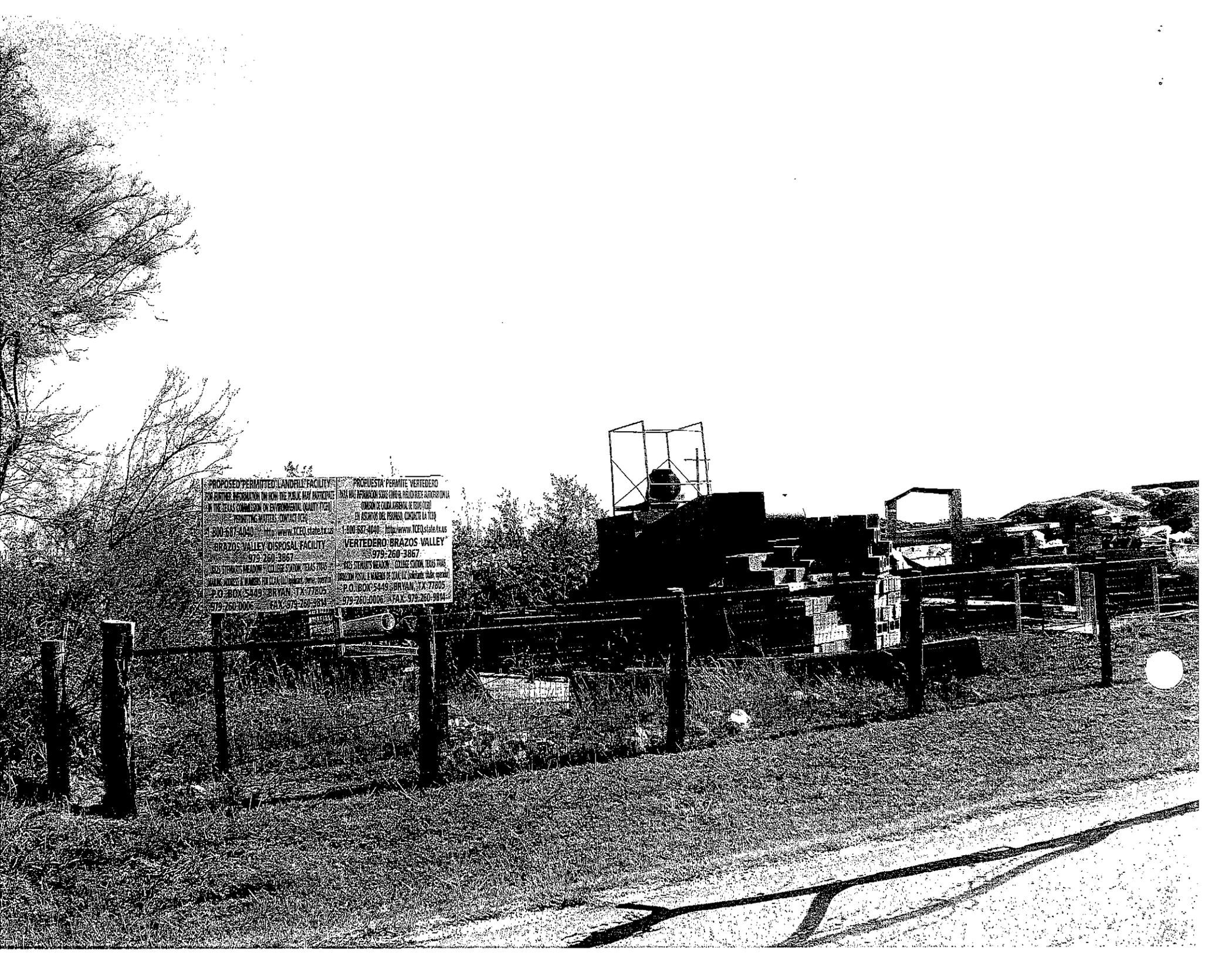
1-800-687-4040 <http://www.tceq.state.tx.us>  
BRAZOS VALLEY DISPOSAL FACILITY  
979-260-3867

4305 STEWARTS MARION COLLEGE STATION, TEXAS 77845  
MAILING ADDRESS & NUMBER FOR TCEQ (606) [www.tceq.state.tx.us](http://www.tceq.state.tx.us)  
P.O. BOX 5449 BRYAN, TX 77805  
979-260-0006 FAX: 979-260-9814

PROPUESTA PERMITE VERTEDERO  
PARA MAS INFORMACION SOBRE COMO PARTICIPAR EN LA  
COMISION DE CALIDAD AMBIENTAL DE TEXAS (TCEQ)  
EN ASUNTOS DEL PERMISO, CONTACTE LA TCEQ

1-800-687-4040 <http://www.tceq.state.tx.us>  
VERTEDERO BRAZOS VALLEY  
979-260-3867

4305 STEWARTS MARION COLLEGE STATION, TEXAS 77845  
MAILING ADDRESS & NUMBER FOR TCEQ (606) [www.tceq.state.tx.us](http://www.tceq.state.tx.us)  
P.O. BOX 5449 BRYAN, TX 77805  
979-260-0006 FAX: 979-260-9814



**PROPOSED PERMITTED LANDFILL FACILITY**

FOR FURTHER INFORMATION ON HOW THE PUBLIC MAY PARTICIPATE  
IN THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)  
PERMITTING MATTERS, CONTACT TCEQ

1-800-687-4040 <http://www.TCEQ.state.tx.us>

**BRAZOS VALLEY DISPOSAL FACILITY**

**979-260-3867**

8825 STEWARTS MEADOW COLLEGE STATION, TEXAS 77845

MAILING ADDRESS & NUMBERS FOR CCAA, LLC (applicant, owner, operator)

**P.O. BOX 5449 BRYAN, TX 77805**

**979-260-0006 FAX: 979-260-9814**

**PROPUESTA PERMITE VERTEDERO**

PARA MAS INFORMACION SOBRE COMO EL PUBLICO PUEDE PARTICIPAR CON LA  
COMISION DE CALIDA AMBIENTAL DE TEXAS (TCEQ)  
EN ASUNTOS DEL PERMISO, CONTACTE LA TCEQ

1-800-687-4040 <http://www.TCEQ.state.tx.us>

**VERTEDERO BRAZOS VALLEY**

**979-260-3867**

8825 STEWARTS MEADOW COLLEGE STATION, TEXAS 77845

DIRECCION POSTAL & NUMEROS DE CCAA, LLC (solicitante, titular, operador)

**P.O. BOX 5449 BRYAN, TX 77805**

**979-260-0006 FAX: 979-260-9814**



# BRAZOS VALLEY COUNCIL OF GOVERNMENTS

P.O. DRAWER 4128 · BRYAN, TEXAS 77805-4128

January 20, 2012

Mr. Matthew Udenenwu, Team Leader  
Texas Commission on Environmental Quality  
MSW Permits Section/Waste Permits Division- MC-124  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Brazos Valley Disposal Facility, College Station, TX  
TCEQ Permit Application for MSW Disposal Facility for original and revised versions  
TCEQ Permit No. MSW-2376 (revised application)

Dear Mr. Udenenwu:

This letter is in reference to the application received from Brazos Valley Disposal Facility on June 6, 2011 and for revised applications received on October 10, 2011 and December 21, 2011. A letter from Golder Associates, Inc. dated June 3, 2011, was received along with the original application in reference to its review pursuant Title 30 of the Texas Administrative Code (TAC 30), Section 330.61(p). The Brazos Valley Council of Governments (BVCOG) sent a Conformance Checklist to the engineering firm, Golder Associates, Inc. via e-mail on June 6, 2011. The Conformance Checklist was returned to the BVCOG on October 14, 2011, after inquiry to Golder Associates, Inc.

The Solid Waste Advisory Committee (SWAC) of the Brazos Valley Council of Governments (BVCOG) met on Friday, January 20, 2012 to review and discuss the application and its conformity with the BVCOG Regional Solid Waste Management Plan. The SWAC's conformance review is a finding of non-conformance with the Regional Solid Waste Management Plan, identifying the following areas where the non-conformance occurs:

1. **Goal 2- Ensure the availability of proper and safe management of solid waste in the BVCOG Region: Objective 2B- encourages the maintenance of appropriate buffers and setbacks from sensitive land uses for new and expanded MSW facilities; and**
2. **Goal 2- Ensure the availability of proper and safe management of solid waste in the BVCOG Region: Objective 2C- encourages minimizing the negative visual impacts of solid waste disposal, handling, and management facilities for new and expanded MSW facilities.**

The finding of non-conformance is in reference to the following items on the Conformance Checklist: item 2.4.4 and item 2.4.5. The SWAC recommends, by a unanimous decision, that the permit not be granted until the noted deficiencies are corrected.



# BRAZOS VALLEY COUNCIL OF GOVERNMENTS

P.O. DRAWER 4128 · BRYAN, TEXAS 77805-4128

You may contact me at (979) 595-2800, ext. 2050 or [cmclean@bvco.org](mailto:cmclean@bvco.org) for more information.

Sincerely,

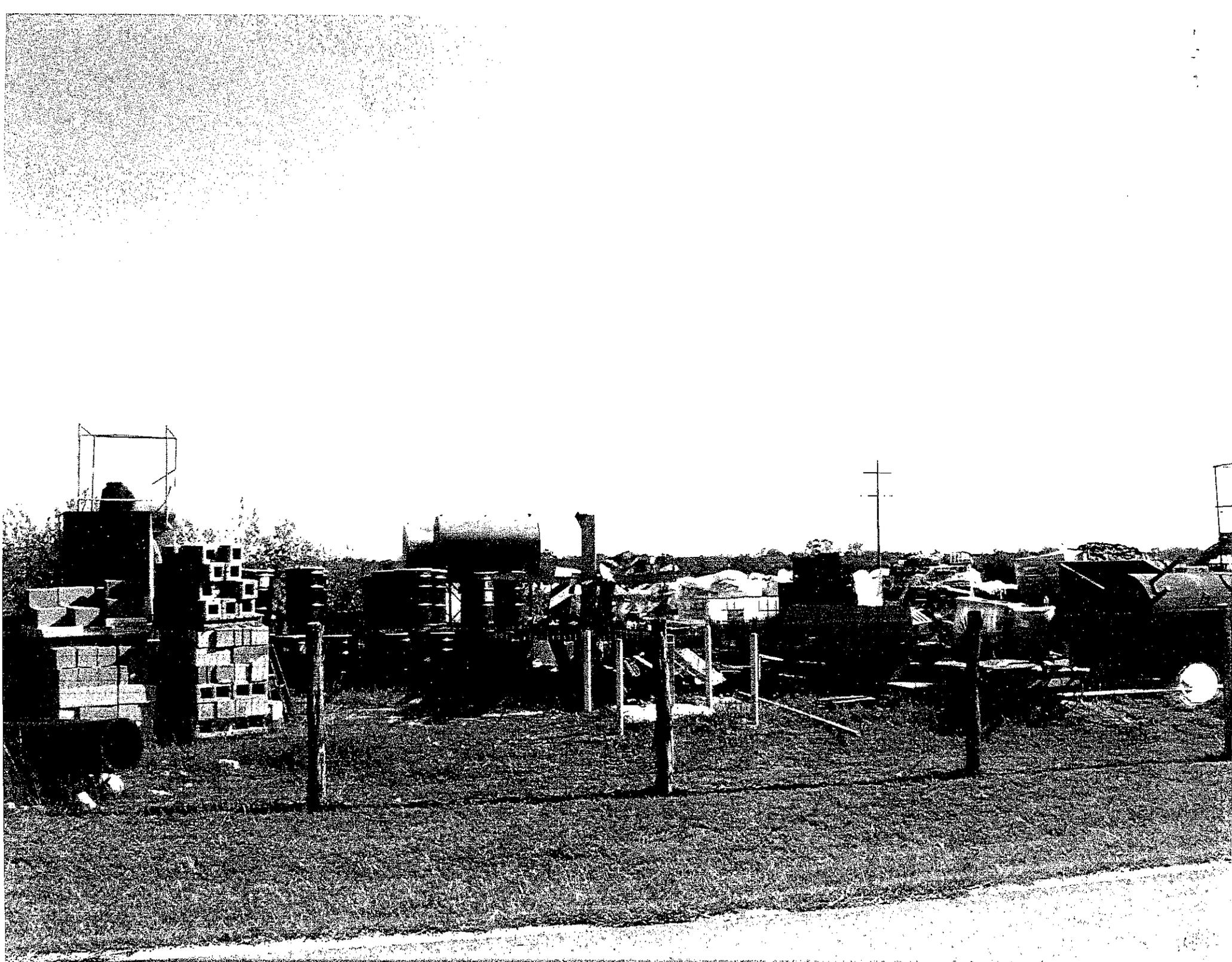
*Candilyn McLean*

Candilyn McLean, Manager  
Solid Waste Planning  
Brazos Valley Council of Governments

cc: Lou Ann Lowe, Golder Associates, Inc.

**PICTURES SHOWING CONDITION  
OF  
CURRENT RECYCLING OPERATION**





**COPY**

7472 Old Jones Road  
College Station, Texas 77845  
October 19, 2012

Earl Lott, Director  
Waste Permits Division  
TCEQ  
P.O.Box 13087  
Austin, Texas 78711-3087

Re: Brazos Valley Disposal Facility - Brazos County  
Municipal Solid Waste - Permit Application 2376

Dear Mr.Lott:

Although this letter is "late in the day" concerning the process of evaluating Permit Application 2376, I need to go on record concerning an air pollution problem likely to occur at the proposed landfill. As you can see, I live on Old Jones Road, less than a third of a mile from Mr.Mancuso's recycling plant and site for the proposed landfill. Even before the latter goes into operation, my neighbors and I have suffered from plumes of dust from the grinding of construction material at the recycling plant.

In April, 2011, I complained to Mr.Mancuso about this problem. He assured me that I would receive a letter from TCEQ explaining this matter to me. About a month later, when the problem recurred, I again complained and asked when I would receive the letter from TCEQ. Mr.Mancuso again reassured me that it was forthcoming. After a third incident, about a month later, with a similar result, I gave up, finally recognizing that Mr.Mancuso would do nothing about the problem.

I realized my mistake in not informing TCEQ about the problem after I attended meetings of neighbors concerned with the proposed landfill operation. If the grinding of construction materials at the recycling plant caused plumes of dust to invade nearby homes, grinding of tons of such material in the future will produce far more particulates in the atmosphere, which could cause many serious health problems. For this reason alone, the permit request for the landfill should be rejected, or the scale of operations curtailed, by not allowing the landfill to rise above the surface.

Sincerely yours,

Cora Rogers

# FedEx

## Express

TEXAS  
COMMISSION  
ON ENVIRONMENTAL

1012 OCT 24 AM 10:32  
CHIEF CLERKS OFFICE

ORIGIN ID: Q1A (979) 288-7727  
SHIP DATE: 23OCT12  
POSTNET CUSTOMER OF:  
RIDGE BOHRC  
3708 East 29th Street  
UNITED STATES US  
BILL SERVICE

TO BRIDGET BOHRC  
TEXAS COMMISSION ON ENVIRONMENTAL  
12100 PARK THIRTY FIVE CIR  
BLD F TCEQ MC - 105  
AUSTIN TX 78753  
SHIP JOHN BOND  
(979) 288-7727  
NO POST IN 75476

1510260208271

TRACK 7939 1319 5221  
A8 MPRR  
SHIP - 24 OCT A1  
STANDARD OVERNIGHT  
ISR RES 78753  
TX-US AUS



The World

# Envelope

3333 1 A  
5221 1024

Align bottom of Peel and Stick Airfill here.

TCEQ Public Meeting Form  
July 19, 2012

7

CCAA, LLC  
Municipal Solid Waste  
Permit No. 2376

PLEASE PRINT

Name: John D. Bounds

Mailing Address: 9411 Twelve Oaks  
College Station, TX 77845

Physical Address (if different): \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

**\*\*This information is subject to public disclosure under the Texas Public Information Act\*\***

Email: ejbounds@verizon.net ✓

Phone Number: 979-260-1519 ✓

- Are you here today representing a municipality, legislator, agency, or group?  Yes  No  
If yes, which one? \_\_\_\_\_

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

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

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

mw

7-19-2012

I would request a second meeting for comments, the residents in my neighborhood were not notified of this meeting. They should have the right to express their thoughts on a development that could affect their quality of life and the value of their homes. This project would certainly impact more than those that have property within one-half mile of this project.

John D Bount  
9411 Twelve Oaks  
College Station, TX 77845  
979-260-1519

RECEIVED  
JUL 19 2012  
AT PUBLIC MEETING

me

RECEIVED

SEP 10 2012

Texas Commission on Environmental Quality  
Commissioners' Offices

**DR. E. DEAN GAGE**  
**9561 Twelve Oaks Lane**  
**College Station, TX 77845**

*MSW  
77804*

September 4, 2012

REVIEWED

SEP 14 2012

By BP

*H*

CHIEF CLERKS OFFICE

2012 SEP 14 AM 9:00

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Mr. Zak Covar  
Office of the Executive Director MC 109  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087

RE: Brazos Valley Disposal Facility  
MSW Permit Application No. 2376

I am a 30-year resident of College Station and Brazos County Texas and former Executive Vice President and Interim President of Texas A&M University who loves the beautiful rural subdivisions of Western Brazos County where I live and have raised my family. I also support and appreciate the importance of the Highway 60 corridor into College Station and Texas A&M University. I am writing as one of more than 200 of my neighbors who are horrified that an 11 story, 111 feet trash dump is being proposed and **even considered** for approval in our neighborhood. I am pleading with you and TCEQ to **not approve** this improperly and poorly located dangerous dump site so close to our homes and next to Highway 60. The whole process proceeded almost in secret, perhaps purposely, with only a few people in attendance at the first public hearing on July 19, 2012. While the letter of the law might, or might not, have been met to only inform residents who lived just one-quarter of a mile from this dump, the truth of the issue is that the hundreds of impacted citizens and residents were **NEVER** directly notified or informed. I was even out of town when the small notice appeared in the local newspaper and very few other people even saw it. If this were to be a grade or ground level dump, then one-quarter of a mile direct notification might suffice. But, an 11 story dump, roughly the height of Kyle Field on the TAMU campus, should require that citizens in the impacted area be notified and given a chance to speak and voice their legitimate concerns. A later meeting was called by **concerned citizens** on August 28, 2012, with more than 200 in attendance. This started the process of our being able to respond to TCEQ to now **request another public hearing**, after which citizens might have to request a contested case hearing or resort to legal actions, depending on TCEQ actions and decisions.

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*MSW*

Page Two  
Executive Director Covar  
September 4, 2012

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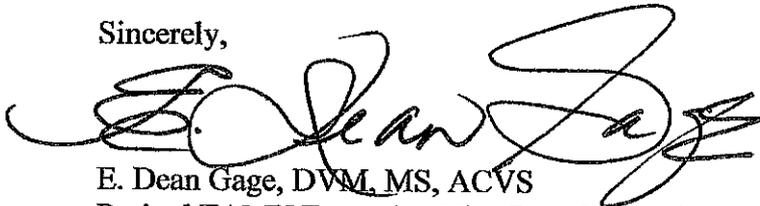
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September 4, 2012

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Sincerely,



E. Dean Gage, DVM, MS, ACVS  
Retired TAMU Executive Vice President and Interim President

cc. Hon. Rick Perry  
Commissioner Bryan W. Shaw  
Commissioner Carlos Rubinstein  
✓ Commissioner Toby Baker

Dr. E. Dean Gage  
9561 Twelve Oaks Lane  
College Station, TX 77845

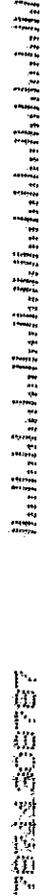


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SEP 10 2012

TCEQ MAIL CENTER  
JC

Mr. Toby Baker  
Office of the Commissioners MC 100  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087



**DR. E. DEAN GAGE**  
**9561 Twelve Oaks Lane**  
**College Station, TX 77845**

*MSW*  
*778004*

*Penny*  
*cc-zak*  
*Earl Cott*

September 4, 2012

Mr. Zak Covar  
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TCEQ  
PO Box 13087  
Austin, TX 78711-3087

**REVIEWED**

SEP 14 2012

By *AS*

*H*

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2012 SEP 14 AM 9:03

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EXECUTIVE DIRECTOR

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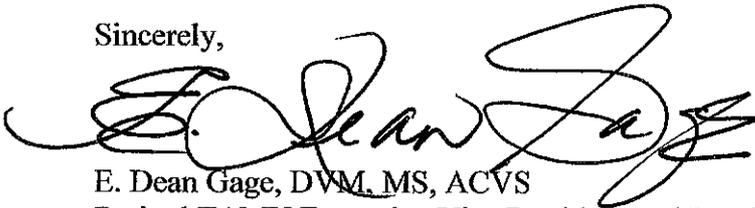
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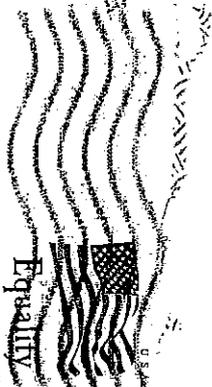


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NORTH HOUSTON TX 77060  
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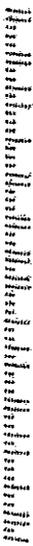
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TO: DR. E. DEAN GAGE  
JC

Mr. Zak Covar  
Office of the Executive Director MC 109  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087

7871308787



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SEP 10 2012

Texas Commission on Environmental Quality  
Commissioners' Offices

**DR. E. DEAN GAGE**  
**9561 Twelve Oaks Lane**  
**College Station, TX 77845**

MSW  
77804

September 4, 2012

Mr. Zak Covar  
Office of the Executive Director MC 109  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087

REVIEWED

SEP 11 2012

By BP

H

2012 SEP 11 PM 2:14  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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MSW Permit Application No. 2376

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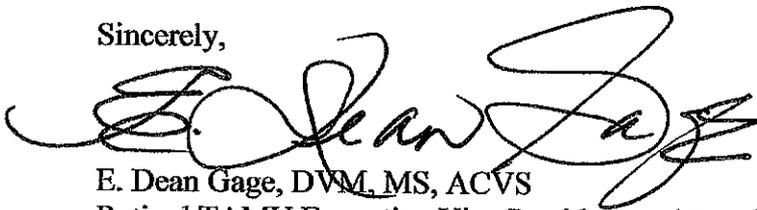
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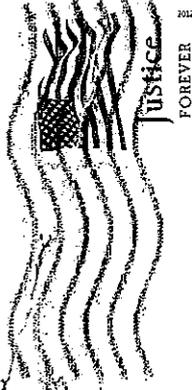


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06 SEP 2012 7N31



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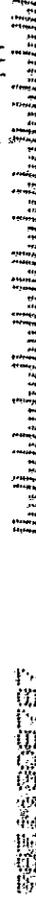
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TCEQ MAIL ROOM  
JC

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2012 SEP 11 PM 2:17  
CHIEF CLERKS OFFICE



**DR. E. DEAN GAGE**  
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MSW  
77804

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REVIEWED

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By B

H RECEIVED

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Executive Director Covar  
September 4, 2012

If this proposed facility were to be a grade or ground level facility, then the notification of only the adjacent land and home owners of one-quarter of mile might have sufficed and met the minimum requirements of the law. But, an 11 story or 111 feet trash dump will be seen and impact the environment and health of citizens and visitors for miles around. The proposed location is only 3 to 4 miles from Texas A&M and BCS. An analogy for TCEQ to consider on a personal and professional note is this: "I am sure that the Commissioners, TCEQ staff and you live in nice homes and subdivisions. Suppose, a property owner has a vacant lot in the middle of your subdivision with a hole in the middle of it and decides to make money by allowing anyone to come dump their trash for a fee or charge. He only told the two neighbors on either side of this property about his plan. He didn't think their homes were big enough to matter and that they didn't have the finances or know-how to fight him. But, you live two or three houses down the street. You hear the noise, see your streets torn up by the huge dump trucks, dodge the greatly increased truck traffic, watch worship services at the two adjacent churches disrupted, smell the odors and dust, begin to breathe the extra particles in the air, etc. The dump owner does not stop the dumping at grade or ground level like he once told one of the neighbors, but builds it to 11 stories high and well above any neighbor's fence. It becomes an unsightly and environmental compromise of trash and debris. He tells you not to worry because he will cover it with a tarp or dirt when it gets high enough. Oh, he then tells you that the heavy trucks will increase by **49 the first year and to 196 in year seven (As stated in Application No. 2376)**. You also notice that the dump owner does **not even live in the area** and lives miles away on many acres where he can retreat to escape what he has created." Mr. Covar and TCEQ, this is exactly the real issue of Application No. 2376 which is not environmentally sound or healthy for the hundreds of citizens adjacent and close to the proposed site.

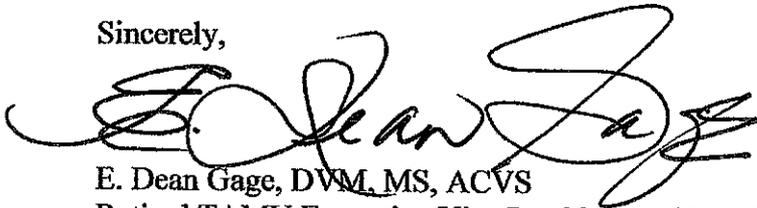
The proposed site will be an environmental albatross and unsightly trash pile and rubble for thousands of visitors, citizens, employees, government officials and potential corporations coming to the new Biomedical Corridor and recent federally funded major research and vaccine production center at Texas A&M and the BCS community. This proposed dump might have a positive economic impact for its owners but the overall economic and environmental impact on TAMU and BCS will **forever be negative**. Highway 60 is a four-lane, high access highway and has become one of the major windows and corridors to this area, particularly from Austin, the Austin Airport and San Antonio. Governor Perry has helped us lay the foundation, facilities and programs for the Biomedical Corridor to become the next silicon valley type development for the Brazos Valley. I believe that Governor Perry will share our concerns and deeply appreciates the Highway 60 Corridor into Texas A&M and its image as a leading research university. It would be a shame for a trash dump such as the one proposed to be on the route and this close to what can become one of the "**crown jewels**" of the Brazos Valley. I have driven past the huge mountain trash dump off I-45 near Ennis and observed what happens when the wind is blowing from the North. It is not a pretty site and this site would be no different even though the trash content may differ. Many people and employees of TAMU, the Biomedical community, the TAMU Health Science Center, Traditions and the BCS cities are opposed to this dump site, but they are afraid to speak out due to being a State of Texas employee. I have now retired and can voice the hearts of the people in the BCS area and it would be irresponsible to place this dump at the proposed location. **It is wrong for the right reasons!**

Page Three  
Executive Director Covar  
September 4, 2012

This proposal (No. 2376) was presented to the Solid Waste Advisory Board of the Brazos Valley Council of Government where the action was taken and recorded to **unanimously oppose and vote against approval. Why would not TCEQ do the same? Do not local government and its citizens have any rights left? Have big money and politics overruled common sense and the integrity of public trust?** We firmly believe that TCEQ has three options: 1) **Deny and not approve** the application as submitted, 2) Require that the site **be moved** to a more appropriate, less populated and remote location consistent with dump sites of this type, or 3) Require a **permanent variance** that this dump can only be built to grade or ground level and not to 111 feet which is incomprehensible.

The TCEQ Commissioners and you are all State of Texas Officials who have an obligation, trust and moral responsibility to act in the best interest of the citizens of Texas. I also served as a State of Texas Official for many years who upheld these same tenants and integrity of a public servant. Many times, I had to do the **right thing** for the people of Texas, regardless of the pressure of a special interest. It was not always easy, but **it was right**. This decision on Application No. 2376 is now in your hands to do the same and **to do what is right**. We expect no less.

Sincerely,



E. Dean Gage, DVM, MS, ACVS  
Retired TAMU Executive Vice President and Interim President

cc. Hon. Rick Perry  
Commissioner Bryan W. Shaw  
✓ Commissioner Carlos Rubinstein  
Commissioner Toby Baker

Dr. E. Dean Gage  
9561 Twelve Oaks Lane  
College Station, TX 77845



TEXAS  
COMMISSION  
ENVIRONMENTAL  
QUALITY

2012 SEP 11 PM 2:17

CHIEF CLERKS OFFICE

MORNING DELIVERY 1A 335

06 SEP 2012 PM 7 L

Mr. Carlos Rubinstein  
Office of the Commissioners MC 100  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087

RECEIVED

SEP 10 2012

TCEQ MAIL CENTER  
JH



**Marisa Weber**

---

**From:** PUBCOMMENT  
**Sent:** Friday, October 26, 2012 8:21 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number 2376

*msw*  
*70077*

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, October 25, 2012 11:09 AM  
**To:** PUBCOMMENT  
**Subject:** FW: Public comment on Permit Number 2376

**From:** [edeangage@gmail.com](mailto:edeangage@gmail.com) [<mailto:edeangage@gmail.com>]  
**Sent:** Tuesday, October 23, 2012 7:50 PM  
**To:** [donotReply@tceq.state.tx.us](mailto:donotReply@tceq.state.tx.us)  
**Subject:** Public comment on Permit Number 2376

**REGULATED ENTY NAME BRAZOS VALLEY RECYCLING**

**RN NUMBER: RN105669931**

**PERMIT NUMBER: 2376**

**DOCKET NUMBER:**

**COUNTY: BRAZOS**

**PRINCIPAL NAME: CCAA LLC**

**CN NUMBER: CN603110115**

**FROM**

**NAME: DR. E. Dean Gage**

**E-MAIL: [edeangage@gmail.com](mailto:edeangage@gmail.com)**

**COMPANY: Concerned Citizens for Safety, Health and Justice**

**ADDRESS: 9561 TWELVE OAKS  
COLLEGE STATION TX 77845-6751**

**PHONE: 9798467685**

**FAX:**

*msw*

**COMMENTS:** This is to inform the Chief Clerk that today, October 23, 2012, the Concerned Citizens for Safety, Health and Justice of Precenct 4, Brazos County Texas, has sent by overnight FedEx carrier our Request for Reconsideration of the Executive Director's Decision and for a Contested Case Hearing. This document and supporting data will be delievered to your office tomorrow, October 24, 2012. Sincerely, E. Dean Gage

**Marisa Weber**

---

**From:** PUBCOMMENT  
**Sent:** Thursday, October 18, 2012 11:02 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number 2376

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, October 18, 2012 10:36 AM  
**To:** PUBCOMMENT  
**Subject:** FW: Public comment on Permit Number 2376

*MSW*  
*77804*

**From:** [edeangage@gmail.com](mailto:edeangage@gmail.com) [<mailto:edeangage@gmail.com>]  
**Sent:** Thursday, October 18, 2012 9:40 AM  
**To:** [donotReply@tceq.state.tx.us](mailto:donotReply@tceq.state.tx.us)  
**Subject:** Public comment on Permit Number 2376

**REGULATED ENTITY NAME** BRAZOS VALLEY RECYCLING

**RN NUMBER:** RN105669931

**PERMIT NUMBER:** 2376

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** CCAA LLC

**CN NUMBER:** CN603110115

**FROM**

**NAME:** DR. E. Dean Gage

**E-MAIL:** [edeangage@gmail.com](mailto:edeangage@gmail.com)

**COMPANY:** Concerned Citizens for Safety, Health and Justice

**ADDRESS:** 9561 TWELVE OAKS  
COLLEGE STATION TX 77845-6751

**PHONE:** 9798467685

**FAX:**

*MSW*

**COMMENTS:** This is to communicate to TCEQ in advance of October 24, 2012, that the Concerned Citizens for Safety, Health and Justice living in Prct. 4 of Brazos County will file for "Reconsideration of the Executive Director's Decision" on Application No. 2376 and may also elect to file a request for a "Contested Case Hearing."

October 14, 2012

*msw  
77804*

**REVIEWED**

*RFR*

**OCT 18 2012**

**By** *SR*

To: TCEQ

I am sending this letter to request your reconsideration of the executive director's decision in the issuance of Permit No. 2376. I am doing so because I live within a mile from this proposed facility and I also am an affected person. I believe the decision should be reconsidered because from all that I have seen, heard, and read from mainstream media (eg., television, newspaper) I too believe that this facility would have an adverse affect on our lives, our community, and our neighborhood.

Sincerely,

Al W. LISTER

7534 Old Jones Road

College Station, Texas 77845

Hm: (979) 260-4822

Wk: (979) 268-0641

E-mail: Listerflyboy@aol.com

2012 OCT 18 AM 9:51  
 CHIEF CLERKS OFFICE  
 TEXAS COMMISSION  
 ON ENVIRONMENTAL  
 QUALITY

*msw*



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Office of Chief Clerk, MC105  
TCEQ  
P.O. Box 13087  
Austin, Tx. 78711-3087

2012 AUG 30 AM 10: 41

CHIEF CLERKS OFFICE

MSW  
77804

Dear Sir or Madam:

I wish to notify you of my opposition to the proposed Brazos Valley Disposal Facility, MSW Permit Application No. 2376. This is the wrong site for this facility and would be a danger to our suburban neighborhood because of the pollution of our air and water. It will be unsightly and only 1300 feet from a major highway.

My address is: All W. Lister

7534 Old Jones Road

College Station, Texas 77845

My email address is: Lister.flyboy@qol.com

REVIEWED

AUG 30 2012

By AK

Sincerely,

All W. Lister

msw



NORTH HOUSTON TX 773

28 AUG 2012 PM 4 1

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2012 AUG 30 AM 10: 40

CHIEF CLERKS OFFICE

Office of the Chief Clerk, MC 105

TCEQ

P.O. Box 13087

Austin, Texas 78711-3087

78711308787



RECEIVED  
AUG 30 2012  
TCEQ MAIL CENTER  
HQ

COMMISSION  
OF ENVIRONMENTAL  
QUALITY

SEP 14 AM

OFFICE CLERKS

MSW  
77804

Robert Marshall  
Patricia Clark  
6165 Barnwood Dr.  
College Station, TX  
77845

REVIEWED

RFR

SEP 14 2012

September 11, 2012

Mr. Zak Covar  
Executive Director  
TCEQ  
P.O. Box 13087  
Austin, TX  
78711-3087

By BP

RECEIVED  
SEP 13 2012  
EXECUTIVE DIRECTOR

Penny  
cc-Zak  
Earl  
Richard

Dear Mr. Covar,

I am writing to express my concerns and to request for a TCEQ reconsideration of permit application number 2376, Type IV Municipal Solid Waste Facility, Brazos County, TX., a proposed land fill by Mr. Charles Mancuso, resident, CAAA, LLC. Simply put, this landfill has no place in this urban community and, as a member of this community. In reviewing both active and inactive landfills in Texas, this project would be unprecedented in size and scope. I respectfully request the TCEQ submit the permit for reconsideration for the following partial list of reasons:

- Affected residents did not receive sufficient, adequate, and timely, notification.**
- Population density is incorrect or misleading.**
- Inaccurate engineering for hazardous waste containment and management.**
- Negative health and economic impact of the area.**

**Affected residents did not receive sufficient, adequate, and timely, notification.**

As required by law, Mr. Mancuso sent letters of notification to residents within 1/4 mile of the project. Many of those are lower income, African American families who have suffered years of adverse consequences from Mr. Mancuso's sand mine and ever-expanding recycling business. Their property values have kept disproportionately low compared to their neighbors because of the nature of both industrial operations and these residents have no option to stay in the home they have because of lower property values. One resident who received Mr. Mancuso's notification letter called Mr. Mancuso and asked for specifics of the project. Mr. Mancuso explained that the landfill would consist of building materials debris from various demolitions, that the existing sand pit would be filled level with the surrounding terrain, covered with soil and planted with grass. Essentially, closed landfill would be made into a cow pasture. Mr. Mancuso deliberately and falsely attempted to hide the real nature of the project, knowing what the community's response would be. In fact, our own county commissioner learned of the project only by chance, examining the area's road conditions with her road and bridge crew. TCEQ has similarly been kept from the full impact of the project that Mr.

MNC

Mancuso did not describe in his permit application. Although the minimum required legal notification was posted in the local newspaper, The Eagle, few area residents in the area subscribe to that paper and were not informed about the proposed landfill permit. In contrast, had this permit been proposed near a more affluent development such as Indian Lakes in College Station, Copperfield or Miramont in Bryan, the outcry would have been fast, long, and loud.

A majority of residents near the proposed landfill learned the details about two weeks before an August 28 meeting organized by a nearby neighbor. The meeting was attended by Mr. Mancuso and a representative from the TCEQ and was described as an "informational" meeting only, that no official business was to be conducted, and residents could only ask questions. The meeting was attended by several hundred local residences (I estimate between 300-400 based on my counts of 10 x 10 squares of seated residents) who listed their names, addresses, and contact information forms provided by Mr. Bounds, co-organizer of the meeting, to be forwarded to the TCEQ.

Although the meeting was reasonably civil, the tension, anger, and outrage of the homeowners was quite palpable. The general feeling of the residents was that they had been hoodwinked and the permit had been approved without any input from the community most affected. The hostile mood was also amplified by the attitude of Mr. Mancuso and officials who evoked the impression that "the project is going through, you have no further voice in the matter, "we beat you fair and square and there's nothing you can do about it".

**Population density is incorrect or misleading.**

The permit gives the population density as 12%. To the contrary, the area surrounding the proposed landfill is populated with single family homes, some within developments such as Canyon Creek and Canyon Creek West, Oak Hills, Runaway Acres, Paloma Creek Estates, Franklin Estates, Briarwood Retreat, 580 acres of the Texas A&M University Animal Science Complex, and Traditions Private Golf Club and residential community, some with minimum acreage requirements per residence, five acres, for instance. This community is just over a mile from the Texas A&M Biosciences corridor and is home to University professors and professional staff, doctors and other professionals, as well as a large economically and ethnically and economically diverse cross section of Brazos County. The source of the population figures is not clear, but it certainly does not accurately represent the population in the neighborhood of the proposed landfill.

**Inaccurate engineering for hazardous waste containment and management.**

In February of this year, a micro-cell thunderstorm hit the surround Bryan/College Station community, dumping 4-6 inches of rain in a 1-2 hour period. Severe flooding was seen in areas not flooded in recent memory and several roads were damaged by the deluge. A major concern is there seems to be no plan to protect area ground water and land contamination by hazardous materials from rains runoff while the pyramid is being constructed.

The slope and lot coverage of the proposed pyramid of hazardous waste (approximately 16 degrees if the base of the pyramid is square and would cover 75+% of the lot) would, compared to the natural terrain, severely hamper attempts to contain waste runoff and capture with a downpour, such as the one in February. Similarly, extended rains from incoming hurricanes could severely flood this area, similar to the recent hurricane, Isaac, flooding inland Louisiana and Arkansas. Such floods may not happen today or next week, but they will happen. No provisions are made for such flooding while the pyramid is being constructed--no protective surface to prevent massive runoff of hazardous waste material. One resident who had worked on the cleanup of the Lavaca Bay Alcoa plant site, warned, based on his experience that all the promises of containment of hazardous and toxic wastes will fail, despite the best engineers' calculations.

Additionally, Mr. Mancuso's responsibilities for maintaining the landfill ends five years after completion and closure of the facility. This landfill is a permanent entity--what happens after the five year period and maintenance ends? No provisions have been made for when the protective soil/grass covering begins inevitably to deteriorate, exposing land and ground water to hazardous waste runoff?

#### **Negative health and economic impact of the area.**

TCEQ's mission is to protect the environmental quality of Texas. The environment of a residential neighborhood includes not only the trees and plants, soil, ground water, and wildlife, but includes the people who live in that environment, so the quality of human life must also be protected. This proposed landfill has no place in a residential community that has for so long been deprived of even the most basic services. Residents have to drive 5 to 7 miles to the nearest grocery store, for example. Economic development was assured when Texas A&M announced their development of Research Valley Bio Corridor along Hwy 60 and 47, a little more than a mile east of the proposed landfill. The surrounding community adversely affected by the landfill could provide much needed housing for the new employees for the Bio corridor as well as new businesses to provide a much needed tax base increase to benefit the community. The landfill would have no positive affect, would eliminate economic development, simply because no business or developer large or small would invest near an active landfill. Mr. Mancuso estimates the landfill project will last approximately 30 years and even after completed, the area will be permanently blighted by the mound of hazardous waste, regardless of its final landscaped cover. While the pyramid is being built, the noise and air pollution, as well as road traffic would be greatly increased above the existing recycling facility and the quality of life and loss of property values certainly must be considered when evaluating a permit of this type. So far, we who are part of the environment TCEQ pledges to protect, believe our part in the equation was never considered during the evaluation of the landfill permit.

#### **Request for reconsideration.**

I certainly do not speak alone when I request the commission reconsider the above permit. Residents living in the area are not anti- business or entrepreneurship.

Quite the contrary. We welcome businesses to contribute to the continuing use of our valuable land resources and enhancement of the neighborhoods. As proposed, the landfill would be a permanent eyesore and blight on the land with no further use possible. If the description of the landfill could be modified extensively to allow the existing sand pit be filled level with the surrounding terrain in a safe manner and then converted to a safe recreational park or entertainment center (as was done with the landfill and resulting Shoreline Amphitheater in Mountain View, California in the heart of Silicon Valley,) we would be more receptive of Mr. Mancuso's project. In short, this landfill project has no place in a residential neighborhood and other, more appropriate areas are available to put hazardous wastes, including Mr. Mancuso's many other properties.

Mr. Mancuso has made very effort to exclude and misinform surrounding communities of his proposed landfill. While we all strive to value and respect one another, regardless of ethnicity, religion, politics, economics, etc. with the utmost fervor, Mr. Mancuso's landfill permit application and TECQ's seemingly surreptitious approval of his permit is a slap in the face and an insult to the surrounding residents and flies in the face of any perceived "good neighbor" policy to which we all adhere.

Mr. Mancuso stands to make a lot of money with the landfill; the higher he builds it, the more money he makes. However, it is at the cost of the many residents' quality of life who call this neighborhood home. The method in which this permit was passed harkens back to the days of smoke filled, back room deals in deference to the Texas government sunshine laws. The strict letter of the laws may have been met for notifications and permit reviews, but certainly not the spirit of those laws. Mr. Mancuso's attitude seems to be, "this is my property and I can do with it as I wish". I submit that this attitude is callous and has no place in a civilized society where we look out for ourselves as well as our neighbors.

I request a reconsideration of the above permit. A request for a contested case hearing is subsequently in the works.

Thank you for your time and consideration,



Robert Marshall

cc:

Sen. Steve Ogden, District 5

Rep. John Raney, District 14

*Phil Marshall*  
*6115 Pennwood Dr*  
*Chicago Station, TX*  
*77815*



RECEIVED  
MAY 11 1987  
TELEMAIL CENTER  
A11

*Mr. Joe Green*  
*Executive Director*  
*TECO*  
*P.O. Box 13087*  
*Dallas, TX*  
*75211-3087*

**Marisa Weber**

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**From:** PUBCOMMENT  
**Sent:** Friday, October 26, 2012 8:22 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number 2376

*msw*  
*77804*

RFR

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, October 25, 2012 11:08 AM  
**To:** PUBCOMMENT  
**Subject:** FW: Public comment on Permit Number 2376

**From:** [jung\\_circus@verizon.net](mailto:jung_circus@verizon.net) [mailto:[jung\\_circus@verizon.net](mailto:jung_circus@verizon.net)]  
**Sent:** Wednesday, October 24, 2012 11:25 PM  
**To:** [donotReply@tceq.state.tx.us](mailto:donotReply@tceq.state.tx.us)  
**Subject:** Public comment on Permit Number 2376

**REGULATED ENTITY NAME** BRAZOS VALLEY RECYCLING

**RN NUMBER:** RN105669931

**PERMIT NUMBER:** 2376

**DOCKET NUMBER:**

**COUNTY:** BRAZOS

**PRINCIPAL NAME:** CCAA LLC

**CN NUMBER:** CN603110115

**FROM**

**NAME:** Beverly Young

**E-MAIL:** [jung\\_circus@verizon.net](mailto:jung_circus@verizon.net)

**COMPANY:**

**ADDRESS:** 7701 JONES RD  
COLLEGE STATION TX 77845-8076

**PHONE:** 9796916431

**FAX:**

*msw*

**COMMENTS:** I would like you to reconsider your decision regarding permit # 2376. The permit makes it sound like this will be a beneficial expansion to the surrounding area, but I disagree. I question several parts of the permit request and approval because of the adverse impact on the community.

- **Community impact.** The surrounding community is considered only 12% residential, primarily because it is a rural neighborhood. I'm not sure exactly how many homes fall within the 1 mile diameter considered, but at another meeting, there were 200 people interested in this so I would assume it is a pretty large number of homes. At the end of the road is the community of Brushy which has no other access except this road. Those of us who live within this specified area moved to the country for various reasons, among them to enjoy the beauty of the environment. This Proposed Disposal Facility will impact that directly.
- **Proposed site inadequacy.** This facility is on 42 acres of which the landfill area will be on 31 of these with a maximum height of 111 ft above ground level (equivalent of 11 story building). There will be a minimum amount of space between the garbage tower and the property line. People who live in the near vicinity and anyone coming into or driving around our community will have to look at this garbage tower for the next 7 years, at least. The new Brazos Valley Waste Management Facility used currently for these disposal needs is outside of town, away from homes, and contained on 600 acres with the landfill occupying only 200 acres. Mr Mancuso's proposal looks like an afterthought of a way for him to reduce his costs without consideration of the surrounding community.
- **Run-off concerns.** You consider this proposal will adequately prevent any run-off from the garbage. This piece of property is too small to house a landfill this large without it accidentally having an impact on the environment. In 10 years at this residence, I have experienced two extreme rainy seasons. During one my neighbor's pond overflowed and I found a 9-inch fish in a puddle in my driveway. Another time, we had rain that could not be absorbed by already saturated ground and so my property was covered with a river about 5 inches deep. This is nature, completely uncontrollable and unstoppable. There is no way to control nature's impact or the reverse when the landfill is 11 stories above the ground.
- **Materials accepted.** This facility is slated to accept only the specified items in the permit. Who will be responsible for policing this aspect? His dumpsters are primarily used to gather construction refuse, but have also had regular trash thrown into them. Who will watch to make sure that Mr Mancuso still takes his trash to the dump when it is not appropriate for his landfill? I believe it will be the responsibility of the neighboring community to police this site to protect ourselves from anything inappropriate.
- **Financial Impact.** The reason property values are affected in this case is because the environmental quality of the area is adversely affected by this tower of garbage. Who wants to buy property with a landfill visibly negating the beauty of the area? This monstrous mass of garbage cannot be hidden behind a fence or within a building, but guarantees to grow to be an ugly mass of wreckage, an eyesore. There is also a financial impact on the Bryan/College Station community. This facility will be about a mile and a half from the city limits and the new Health Care facilities being built in this community. This garbage tower will be visible from the highway and surrounding structures which will impact people's opinion of this community. There is not a need for this facility with our current BVWM facility which manages all these refuse materials adequately and environmentally friendly. I don't disagree with Mr Mancuso's idea or his freedom to pursue it, but the proposed location is inadequate and too close to the rural community for this to make sense. If he wants to compete with the landfill, then he should buy a bigger piece of property further away from town to do this. Please reconsider your decision that this request meets the requirements of applicable law with regards to environmental quality.